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**UKRAINE: THE LINGERING SOVIET HEADACHE AND
25+ YEARS OF HYBRID RULE**

by

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June 2017

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**UKRAINE: THE LINGERING SOVIET HEADACHE AND 25+ YEARS OF
HYBRID RULE**

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ABSTRACT

Ukraine remains far from a robust democracy and qualifies as a consolidated hybrid state. Despite more than 25 years of government development since independence, Ukraine continues to experience difficulty shedding the legacy of the Soviet era in order to advance to a truly democratic state. This thesis seeks to understand Ukraine's regime development and why the country experiences difficulty strengthening democratically. Drawing on theories of democratic consolidation and the rise of hybrid regimes, this thesis explains how and why Ukraine has consolidated into a competitive authoritarian state of government vice a true democracy. Analyzing six different criteria of regime development, including choices, institutions, elections, accountability, civil society, and economics, this thesis determines that while democracy exists on paper, overall, more than a quarter century of political development in Ukraine failed to bring robust democratic governance to this nation. As a result, Ukraine remains in a hybrid condition with democratic and autocratic elements living in constant tension with each other. Thus, the prospects for a strong democracy in Ukraine in the near future remain wishful thinking at best, unless Ukraine can find a way to radically break with its past.

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LIST OF ACRONYMS AND ABBREVIATIONS

BBC	British Broadcasting Corporation
BC	before Christ
BTI	Bertelsmann transformation index
BYT	bloc of Yulia Tymoshenko
CEC	central election commission
CVU	Committee of Voters of Ukraine
DVD	digital video disc
EU	European Union
GDP	gross domestic product
IMF	International Monetary Fund
LGBT	lesbian, gay, bisexual, and transgender
MIT	Massachusetts Institute of Technology
MP	member of Parliament
NATO	North Atlantic Treaty Organization
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Cooperation in Europe
PPP	purchasing power parity
PR	proportional representation
PVT	parallel vote tabulation
SMD	single member district
UES	United Energy Systems
U.S.	United States
USAID	United States Agency for International Development
USSR	Union of Soviet Socialist Republics

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I. INTRODUCTION

A. MAJOR RESEARCH QUESTION

This thesis studies Ukraine's regime development and why the country experiences difficulty strengthening democratically. Drawing on theories of democratic consolidation and the rise of hybrid regimes, this thesis analyzes Ukraine's political development from 1991 to the present. During that time period the nation observed two political revolutions, civil discord, foreign intervention, and a loss of territory. After the Orange Revolution in 2004, Ukraine was trumpeted in the West as a nation on a better path to democratic development. However, events in the last twelve years demonstrate that problems are still prohibiting progress. Understanding the root causes of Ukraine's development will shed light on what type of regime the nation is becoming.

B. SIGNIFICANCE OF THE RESEARCH QUESTION

What type of regime is Ukraine consolidating into and why? Those questions have implications for policy makers and scholars of democratic consolidation theory. For policy makers, much time and money is invested by the United States and international organizations for the development of democracies around the world. The amount of foreign aid the United States has contributed to Ukraine over the years is a noteworthy example of U.S. priorities. Since Ukrainian independence in 1991, the United States has contributed over US\$5 billion toward the development of Ukraine, according to the Assistant Secretary of State for European and Eurasian Affairs, Victoria Nuland, in order to "ensure a secure and prosperous and democratic Ukraine."¹ Separately, the United States Agency for International Development (USAID) indicates the organization contributed approximately US\$1.9 billion for Ukraine's economic and social

¹ "Victoria Nuland's Admits Washington Has Spent \$5 Billion to 'Subvert Ukraine,'" YouTube video, 8:46, Nuland's speech to U.S.-Ukraine Foundation in 2013, posted by "FailWin Compilation," December 13, 2013, <https://www.youtube.com/watch?v=U2fYcHLouXY>. The title of the YouTube post is misleading and misrepresentative. The video contains Nuland's entire address to the U.S.-Ukraine Foundation in 2013 and provides sufficient context to know that Nuland's comments on U.S. spending in Ukraine are not efforts to "subvert" the Ukrainian government as the title indicates, rather her comments on spending were to promote and build the democracy of Ukraine.

development.² More recently, according to foreignassistance.gov, the United States has contributed a range of US\$90 million–US\$140 million in aid since 2013.³

In addition to the monetary contributions, understanding Ukraine’s regime consolidation has implications for future regional development. A strong, independent, and democratic Ukraine can act as a counterweight against Russian influence in the region, an example for other nations to follow. Separately, a strong democratic Ukraine has higher prospects of joining Western organizations such as the European Union (EU) and the North Atlantic Treaty Organization (NATO), which in turn could promote greater stability and security for the region.

Present-day Ukraine also provides an important case study for democratic theory as the debate over democratization and consolidation continues among scholars. Books and articles written after the Orange Revolution in 2004 outline a democratic breakthrough following the overthrow of an increasingly autocratic regime, at the same time cautioning about the future. Fast forward to 2014 and the world observed another conflict and regime overthrow. The last decade and a half of development provides yet another opportunity, as it did from 1991–2004, to analyze and evaluate theories of democratic development, with implications for the larger and longer evolution of democratic progress around the globe.

C. CHAPTER OVERVIEW

Ukraine has consolidated into a competitive authoritarian state. After two revolutions, the country has failed to change the government fundamentals that allow both democratic institutions and authoritarian practices to live in constant tension with each other. Stemming from a failure to cleanly break with its Communist past, Ukraine continues to be affected by key decisions made over a quarter of a century ago. This thesis explains how and why Ukraine has developed its current government, and why it

² “Ukraine: About Ukraine,” USAID, modified August 30, 2016, <https://www.usaid.gov/where-we-work/europe-and-eurasia/ukraine>.

³ “Map of Foreign Assistance: Ukraine,” [ForeignAssistance.gov](http://beta.foreignassistance.gov), accessed August 04, 2016, <http://beta.foreignassistance.gov/explore>.

has failed to develop as a democracy. Broken into five chapters, this thesis will apply democratic consolidation theory to the case study of Ukraine.

Chapter I covers the literature behind democratic consolidation, as well as a brief history of Ukraine. Consolidation theory seeks to understand what makes a strong democracy, what happens when democracy fails to consolidate, as well as the rise of authoritarian and hybrid systems of government. Ultimately, scholars attest to the development and analysis of six different criteria for determining a government's development toward better democracy. These same criteria nest hand-in-hand with determinants for failed democracies and the rise of authoritarian / hybrid states. Following a discussion of the theory, the remainder of Chapter I provides a brief history of Ukraine, covering key events, timelines, and characters that are present throughout the remainder of the thesis. As such, applying the six developmental criteria across Ukraine's history will determine if Ukraine has consolidated closer to a democracy after 25 years, and if not, then what have they consolidated into and why.

Chapter II explores the development and evolution of Ukraine's political institutions. Key decisions following independence caused lasting implications for the nation's stagnation towards democracy. The persistence of communist influence after independence shattered chances at a meaningful transition to democracy. Rather, the communist presence tainted the new government, stagnated reform, and allowed corruption to take hold. From the beginning, Ukrainian institutions failed to adhere to democratic norms, and these flawed norms became entrenched. At the same time, the flaws created incentives to cheat and commit fraud as a means to retain power. Even elections, a fundamental pillar of democracy, remain defective in Ukraine's political system, creating uneven barriers for opposition victory. Ukraine's institutions and practices remain deeply flawed and fail to serve the public or advancement of the state, which is far from democratic in nature.

Taking the institutional developments and choices explained in Chapter II, Chapter III explores the pervasiveness of corruption and weak accountability, as well as the weakness of civil society resulting from the institutional shortcomings described in Chapter II. Corruption remains rampant in Ukraine, affecting nearly every politician and

ordinary citizens. Failing to pay taxes, bribery, and coercion are a means to get rich among elites, and a means to survive for everyday Ukrainians. All levels of society are plagued by this deep entrenchment of corruption and failure to uphold the rule of law in the country, making its eradication all the more challenging. While corruption and accountability problems are widespread, civil society development remains weak and unable to consistently shape the government. Failing to establish a foothold in Ukrainian politics, early civil society engagement following independence was passive and designed to assist elites rather than citizens. This failure prevented a robust civil society from flourishing. Today, Ukrainian civil society is making progress, but due to the entrenchment of perceptions and practices of the past, is proving extremely difficult to change. Ultimately, these two factors (accountability problems and weak civil society) do not bode well for Ukraine's progress at democratic consolidation.

Chapter IV analyzes the economic development of Ukraine over the last quarter of a century. Economic distortions resulting from a failure to reform immediately following independence allowed old Soviet practices to continue and perpetuated a close relationship between the government and economy. The intermingling of money and politics continues even after reforms accelerated in the 2000s, giving rise to a wealthy class of Ukrainian oligarchs. Ultimately, the economy of Ukraine consistently benefits elites (including the oligarchs) and continually fails to serve everyday Ukrainians. Throughout much of Ukraine's history, ordinary Ukrainians struggle to make ends meet with low wages and high prices for basic commodities. Ukraine's economy is far from a free market model found in most well-developed democracies. As a result of this economic situation, many Ukrainians are left disenchanting at their government's ability to improve their lives and lack the resources necessary to remain consistently involved in the political system.

Finally, the conclusion chapter synthesizes the discussions of previous chapters through a lens of hybrid rule. Making the argument that Ukraine is far from a consolidated democracy, Chapter V explains that Ukraine fits into a consolidated competitive authoritarian state. While democratic on paper, the Ukrainian government consistently fails to practice democratically, and sufficient distortions exist to keep the

system in advantage of elites. Ukraine's long history has demonstrated an inability to fundamentally break with the past. Choosing to allow the continued communist influence, immediately following independence, continues to linger in the government today. Two revolutions failed to break with the past, and until Ukraine does, the nation will likely remain in a hybrid state for the foreseeable future.

D. LITERATURE REVIEW

Debates over democracy date back to Aristotle in the fourth century BC and continue today.⁴ This literature review will focus on two strands of this broad literature. The first strand seeks to explain what creates strong democracies, as well as why democracies fail—the field of study known as democratic consolidation. The second strand follows from the explanation of why democracies fail, and an examination of the rise of “hybrid” regimes. The reviewed theories will serve as the foundation for the remainder of the research in this thesis. The theories about consolidation are wide ranging but primarily center around the involvement and importance of six conditions: elections, institutions, accountability, civil-societies, economics, and choices.

1. Democratic Consolidation—Habituating Quality

The study of democracies has continued to grow, with scholarship devoted to understanding why and how democracies succeed or fail. One particular field of study, known as democratic consolidation, analyzes democracies based on how well they have habituated good democratic norms and procedures as part of everyday governance. Larry Diamond defines democratic consolidation as the “process by which the rules, institutions, and constraints of democracy come to constitute ‘the only game in town,’ the one legitimate framework for seeking and exercising political power.”⁵ As its own field of study, there are disagreements over the theories and conditions required for a democracy to thrive or fail during consolidation. A survey of the main competing and

⁴ Frank Cunningham, *Theories of Democracy* (London: Routledge, 2002), 6–7.

⁵ Larry Diamond, “Introduction: In Search of Consolidation,” in *Consolidating the Third Wave Democracies: Themes and Perspectives*, eds. Larry Diamond et al. (Baltimore, MD: Johns Hopkins University Press, 1997), xvi-xvii.

supporting arguments indicate six main conditions attributed to the success or failure of a democracy: elections, institutions, accountability, civil-society, economics, and choice. Though scholars and their arguments may share or disagree with certain components, they all agree that the habituation of certain aspects of these factors is key to ensuring democratic consolidation.

a. Elections

The majority of scholars agree that the habituation of good electoral practices is essential to democratic development. That being said, there are some that contend elections are the only condition needing habituation for a democracy to succeed—what is known as electoral democracies, or electoralism. Guillermo O'Donnell explains that the habituation of “fair elections... are a moment when something similar to horizontal accountability operates.”⁶ The key point is that quality elections provide a check-and-balance to accountability, and ensure that people's preferences are upheld. While elections provide a form of accountability and are widely accepted on the international stage, most scholars agree that analyzing the consolidation of a democracy based solely on elections is insufficient. Election fraud and other efforts to subvert the process can undermine the true intent of a democracy, counter popular preferences, and render the practice as merely a façade for authoritarian rule.

As a result of the numerous processes involved in a transition to democracy, as Andreas Schedler explains, even countries with an optimistic “initial opening crowned by free and fair elections” can end up falling into hybrid rule.⁷ A hybrid regime is a type of governance that possesses both democratic and authoritarian institutions, norms, and practices. Schedler's work describes how incomplete or failed transitions, particularly with regard to the development of strong electoral processes and norms, can promote authoritarianism by the ballot box. Electoral authoritarian regimes, as Matthijs Bogaards notes, are those regimes in which “elections are broadly inclusive... minimally

⁶ Guillermo O'Donnell, “Illusions About Consolidation,” *Journal of Democracy* 7, no. 2 (1996), 39, 45. <https://muse.jhu.edu.libproxy.nps.edu/article/16748>.

⁷ Andreas Schedler, *Electoral Authoritarianism* (London: Lynne Rienner, 2006), 3.

competitive... and minimally open... [O]verall electoral contests are subject to state manipulation so severe, widespread, and systematic that they do not qualify as democratic.”⁸ Electoral authoritarian regimes may hold routine elections and on the surface appear democratic, but they make opposition victory impossible, serving only to legitimize the current leadership in place. Schedler states that “rulers may devise discriminatory electoral rules, exclude opposition parties and candidates... infringe on political and civil liberties, restrict access to media and campaign finance... coerce or corrupt [supporters] into deserting the opposition... or simply redistribute votes and seats through fraud.”⁹ Governing institutions and norms are undermined, and serve merely as a tool for the ruling government to remain in power. Electoral authoritarian regimes lack accountability measures or a robust civil-society to significantly challenge the government. Modern day Russia observes this hybrid characteristic, as Vladimir Gel’man explains, with Vladimir Putin’s reliance on subversive electoral practices including “shameless fraud,” limiting media access, and mobilizing workers in order to maintain the current regime.¹⁰

b. Institutions

While scholars acknowledge the importance of habituating the people’s vote as the bedrock for democratic consolidation, others have argued that political institutions are an additional key factor in consolidating democracy. Within the condition, there are two lines of thinking: one that focuses on the advantages and disadvantages of presidential and parliamentary systems and the relationship of shared power, and others that focuses on how pre-existing institutions can serve as a foundation on which to build democracy. The habituation and strength of institutions act as a counter to human actions and impulses that lead to abuses of power and corruption.¹¹

⁸ Matthijs Bogaards, “How to Classify Hybrid Regimes? Defective Democracy and Electoral Authoritarianism,” *Democratization* 16, no. 2 (2009), 407.

⁹ Schedler, *Electoral Authoritarianism*, 3.

¹⁰ Vladimir Gel’man, *Authoritarian Russia: Analyzing Post-Soviet Regime Changes* (Pittsburgh, PA: University of Pittsburgh Press, 2015), 117–118.

¹¹ Diamond, “Introduction: In Search of Consolidation,” xxii.

In addition to providing a check and balance against autocratic rule, the type of government system can influence a democracy's survivability. Though Adam Przeworski et al. argue that primarily economic conditions predict regime survivability, they also lend credence to the importance of institutional choice. Explaining the advantages of a parliamentary government over a presidential one, Przeworski et al. argue that "parliamentary systems in the poorest countries, while still very fragile, are almost twice as likely to survive as presidential democracies, and four times as likely when they grow economically."¹² Institutional choices do matter, and have some influence on the durability of a democracy. Though the impact of institutional choices may be intertwined with other conditions, they nonetheless play a role. Additionally, Przeworski et al. find that in parliamentary systems the sharing of power with the prime minister better promotes debate and consultation on initiatives, unlike a presidential system under which one person can promote both partisan interests as national interests and "undermine the legitimacy afforded to the opposition."¹³

Separately, parliamentary systems and coalition-creating are less susceptible to deadlock and stalemate than under a presidential system because the majority needed to override a presidential veto is more difficult to attain.¹⁴ The habituation of political parties also promotes or degrades democratic consolidation. Parties allow the channeling of preferences and conflicts through official mechanisms, and, as Diamond explains, "reduce the scope of populist demagogues to win power...making the [democracy] more inclusive, representative, and effective."¹⁵ Weak party systems lack civil support and connections to the populace, are of shorter duration, and lack a clear coherent identity.¹⁶ So one may expect to find in a weakened or failing democracy a party system with too many parties that fail to compromise among a broad range of constituents, and parties and coalitions that dissolve frequently.

¹² Adam Przeworski et al., "What Makes Democracies Endure?," *Journal of Democracy* 7, no. 1 (1996): 49, <https://muse.jhs.edu.libproxy.nps.edu/article/16730>.

¹³ Przeworski et al., "What Makes Democracies Endure?," 44-45.

¹⁴ Ibid., 45.

¹⁵ Diamond, "Introduction: In Search of Consolidation," xxiii.

¹⁶ Ibid., xxiii-xxiv.

Diamond also explains that certain pre-existing institutions can serve as a foundation for democracy to flourish, including oligarchies. Explaining the development of democracies in Latin America, Diamond argues that even an oligarchic foundation creates a “culture of democracy... among a small elite and then diffused to the larger population as it was gradually incorporated into electoral politics.”¹⁷ To some extent, the oligarchy established foundations on the limitation and rotation of power that could later be applied to popular rule.

Pre-existing institutions can be helpful, though their application may vary and cannot be construed as a one-size-fits-all observation, particularly when it comes to post-communist states. Valerie Bunce shares Diamond’s perspective on preexisting institutions that facilitate democratic development in Latin America; however, she argues the post-communist situation is different. According to Bunce, “while bridging between old and the new order constituted by all accounts the most successful approach to democratization in Latin America and southern Europe, the most successful strategy in the post-communist region was the opposite—severing ties.”¹⁸ Additionally, Bunce finds that, “in every highly successful case of democratization in the [post-communist] region... the first elections involved a radical break with the political leadership of the past.”¹⁹ Not only does the type of institutional set-up matter, it is also context specific as Latin American and post-communist development differ.

When transitions fail to produce quality norms and practices within democratic institutions hybrid regimes such as competitive authoritarian governments can rise (hybrid regimes are discussed later in more detail). According to Steven Levitsky and Lucan Way, these regimes accept and maintain formal democratic institutions and rules as sources of authority; however, rulers “violate those rules so often and to such an extent [that]... the regime fails to meet conventional standards for democracy.”²⁰ Competitive

¹⁷ Diamond, “Thinking About Hybrid Regimes,” *Journal of Democracy* 13, no. 2 (2002): 24.

¹⁸ Valerie Bunce, “Rethinking Recent Democratization: Lessons from the Postcommunist Experience,” *World Politics* 55, (January 2003): 174.

¹⁹ Ibid.

²⁰ Steven Levitsky and Lucan Way, “The Rise of Competitive Authoritarianism,” in *Readings in Comparative Politics*, eds. Mark Kesselman and Joel Krieger (Boston: Houghton Mifflin, 2006), 61.

authoritarian regimes stem from an incomplete transition to democracy that leaves the nation with weak institutions and areas of contestation.²¹ However, weak does not mean impossible, as the authors argue that four areas of contestation allow the opposition an opportunity to challenge or defeat an autocratic ruler through the electoral process, legislature, judiciary, and media.²² Thus, the oppositional (democratic) elements and authoritarian elements live in tension with each other.²³

c. Accountability / Rule of Law

In addition to the role of institutions, democracy's survival also depends on the habituation of the rule of law in order to keep officials and citizens accountable for their positions and actions. Larry Diamond claims for a democracy to not only be considered a democracy, but also to survive, it must be a constitutional democracy centered on a written contract that establishes, limits, and upholds the rules of the political game.²⁴ While a constitution and establishing the rules of the game are important to set boundaries for the rule of law, Juan Linz and Alfred Stepan take the idea a step further and argue that "all actors must be held accountable to, and become habituated to, the rule of law."²⁵ They stress that a ruler who thinks s/he is above legal institutions and attempts to subvert them "does not fit our conception of rule of law in a democratic regime."²⁶ Accountability and the rule of law act as means to limit and constrain ruler discretion. Accountability ensures leadership maintains the highest standards of rule, and remains true to the preferences of the governed; thus, it is logical for the survivability of a democracy to be grounded in a society that adheres to the laws it creates.

Habituating accountability and adherence to the rule of law can prevent or mitigate corruption, human rights abuses, and promote a stronger democracy. A state

²¹ Levitsky and Way, "The Rise of Competitive Authoritarianism," 62–66.

²² Ibid., 61–66.

²³ Ibid., 63.

²⁴ Bunce, "Rethinking Recent Democratization," 174.

²⁵ Juan J. Linz and Alfred Stepan, "Toward Consolidated Democracies," in *Journal of Democracy* 7, no. 2 (April 1996): 19, <https://muse.jhu.edu.libproxy.nps.edu/article/16745>.

²⁶ Ibid., 19–20.

with a strong rule of law places constraints on power, provides a means for citizens to dispute and defend infractions, and allows citizens the ability to exercise their rights without unnecessary fear.²⁷ A strong culture of accountability adds legitimacy to the government, which in turn strengthens consolidation. In contrast, a government that is weak in the rule of law leaves citizens in fear of carrying out their rights, as they may face unfair and inconsistent prosecutions that delegitimize and undermine perceptions of a democracy. Even corruption, left unchecked, undermines the perception of government legitimacy. Separately, when the rules established are so ambiguous or loaded with ideology, they become difficult to change even with a majority vote, and undermine consolidation efforts.²⁸

d. Civil-Society

Scholars argue that the role of civil society has a separate impact on the health and survivability of a democracy. Linz and Stepan explain that “a robust civil society with the capacity to generate alternatives and to monitor the government and state can help start transitions, help resist reversals, help push transitions to their completion and help consolidate and deepen a democracy.”²⁹ Ultimately, according to Bunce, a strong civil society that is considered a normal part of democracy can act as a check and balance against a ruling government, and provides a “clear reading of mass sentiment” to mandate change.³⁰ Additionally, civil society can promote consolidation as it can push leaders to the negotiating table before escalating to violence.³¹ When civil society is vibrant and robust, it acts as an official channel to provide the everyday citizen a means of mediating and communicating with the government. Taking the preferences or grievances of individuals, on issues that citizens may not address on their own, a rich civil society amplifies the preferences to a level representative of mass population.

²⁷ Linz and Stepan, “Toward Consolidated Democracies,” 19–20.

²⁸ Ibid., 19.

²⁹ Ibid., 18.

³⁰ Valerie Bunce, “Rethinking Recent Democratization,” 172.

³¹ Linz and Stepan, “Toward Consolidated Democracies,” 172.

Such mass monitoring and mobilization for democracy occurred in Russia in 2011–2012, as Janet Johnson and Alexandra Novitskaya explain, when “gay propaganda legislation was introduced into one region after another, [and] the emerging Lesbian, Gay, Bisexual, and Transgender (LGBT) movement hit the streets.”³² Alongside various opposition groups that typically would have shied away from the Russian LGBT movement, the authors illustrate how the movement represented a significant shift and relative success to bring about awareness of LGBT rights issues both domestically and internationally. However, the efforts fizzled out as the opposition candidate failed to win the Russian elections, and the civil society moves lacked the strength needed to continue and challenge President Vladimir Putin’s tightening grip against LGBT rights.

Though civil society can be a critical check against authoritarian overreach, scholars caution that viewing civil society as the constant hero against the government can be counterproductive to consolidation, as it makes “political majorities more difficult to form, [exacerbate] ethnic divisions and pork-barrel politics, and [entrench] socioeconomic biases in the distribution of influence.”³³ Diamond argues that in order for a civil society to promote consolidation and a strong democracy it must “behave in a ‘civil’ way, respecting the law and other social and political actors while accepting and not seeking to usurp or conquer democratic political authority.”³⁴ This is the case often used by critics of the 2014–2015 far-right Ukrainian protest movement. A narrative of far-right, neo-fascist groups seeking to undermine Ukraine’s democracy and promote the murder and persecution of Russian-speaking civilians, according to Samuel Ramani, gained traction in the press and with critics of a nationalist movement.³⁵ Ramani concludes that this narrative failed to address the reality on the ground, and the nationalist movement, while loud, lacked sufficient political capital to push an agenda.³⁶ However,

³² Janet Elise Johnson and Alexandra Novitskaya, “Gender and Politics,” in *Putin’s Russia: Past Imperfect, Future Uncertain*, ed. Stephen K. Wegren (Lanham, MD: Rowman & Littlefield, 2016), 217, 224.

³³ Diamond, “Introduction: In Search of Consolidation,” xxx-xxxi.

³⁴ Ibid.

³⁵ Samuel Ramani, “Ukraine’s Far-Right: Sifting Facts From Fiction,” *The Huffington Post*, modified July 11, 2016, http://www.huffingtonpost.com/samuel-ramani/ukraines-farright-sifting_b_7775256.html.

³⁶ Ibid.

Ramani's article highlights succinctly concerns that Linz, Stepan, and Diamond share. Civil society will not maintain a democracy forever, and must work hand-in-hand with other institutions in a symbiotic relationship in order to strengthen a democracy and improve its survivability.³⁷

e. Economy and Affluence

Other scholars argue that economic development is critical, if not the only factor for democracies' survival, as an affluent nation lacks conflict over basic goods, services, and norms. As Diamond explains, "rapid economic development... [transforms] not only social structures but values as well... [becoming] more 'open-ended and positive-sum,' more flexible, moderate, conciliatory and tolerant of different interests."³⁸ Adam Przeworski et al. agree with Diamond, in that "the secret to democratic durability seems to lie in economic development;" however, the authors take the theory even further, arguing there is a specific per capita income that can enhance the survivability of a democracy.³⁹ Utilizing the Purchasing Power Parity (PPP) for a democratic nation—adjusted for inflation—the authors argue that the ideal target is US\$2,236 per capita income for a regime to be considered survivable, and around US\$13,418 per capita for the democracy to be "impregnable."⁴⁰

The ideas behind linking economic development to democratic consolidation are that as wealth increases distributional conflicts decrease, and as the baseline standard of living increases there are fewer citizens in poverty in the nation who may seek out demagogues or practices that undermine democratic development.⁴¹ Wealthier citizens are also more able to pay attention and be engaged in politics, which is required for citizens to participate, to hold their leaders accountable, and for democracy to thrive. In other words, when the majority can afford cars, education, and houses, there is less incentive to resort to nepotism, cronyism, or other illegal means to ensure individual

³⁷ Linz and Stepan, "Toward Consolidated Democracies," 17–18.

³⁸ Diamond, "Introduction: In Search of Consolidation," xxxiii-xxxiv.

³⁹ Przeworski et al., "What Makes Democracies Endure," 50.

⁴⁰ Ibid., 40–41.

⁴¹ Seymore Martin Lipset, *Political Man* (Garden City, NY: Doubleday, 1960, 49–50, 65–67.

survival and enrichment. Thinking back to Diamond's argument, a society that worries less about basic survival will likely be more open-minded, flexible, and tolerant of different interests that develop within the democratic process. Though the authors may be ambitious to peg a dollar amount to survivability, the general idea is present—that increased personal wealth improves democratic durability.

Aside from specific dollar amounts and wealth, other scholars add that a consolidated democracy cannot possess either a command or pure market economy, and that some government regulation is required.⁴² Regulation can safeguard citizens and ensure delivery of goods (political or tangible); additionally, some regulation allows the government flexibility to step in and attempt to fix the economy in times of crisis.⁴³ The economic level and structure can promote democratic endurance as they provide policymakers with tools to mitigate crisis, and ensure delivery of goods and wealth, which in turn enhances the flexibility and tolerance needed to weather crises.

f. Leaders' Choices

Ruling leaders' choices have profound effects on promoting or undermining democratic consolidation. Valerie Bunce outlines the role choice plays in democracy's development by analyzing Boris Yeltsin's decisions during the Russian transition to democracy in the 1990s. As Bunce explains, Russia was not poised for a clean break with its communist past similar to other post-Soviet states. Communist party members, elites, and the public lacked a consensus on how the new regime and state should develop, particularly when it came to the swiftness of economic reform. Yeltsin was unable to implement economic reform quickly with the Duma (Russia's Parliament), leading to a partial economic reform that allowed rent seekers to benefit and undermine stronger consolidation.⁴⁴ Bunce argues that Yeltsin, given all the political constraints, made the best choice at the time among equally bad options; because of this decision, Yeltsin

⁴² Linz and Stepan, "Toward Consolidated Democracies," 20–23.

⁴³ Ibid.

⁴⁴ Bunce, "Rethinking Recent Democratization," 184–186.

created a “flawed but... sustainable democracy.”⁴⁵ While Bunce argues Russia is a democracy, the idea is that Yeltsin’s choices had long-term implications for the government development. Flaws in the democracy, based on elite choices, allowed for the later exploitation and undermining of Russia’s democratic consolidation. Getting it right the first time, and quickly breaking with the communist past can establish a strong foundation and entrench the correct norms and practices of democratic rule within emerging democracies, particularly within post-communist countries.

2. When Democracies Fail

As scholars debate the importance of certain conditions for democratic strength, many generally agree that the transition period from authoritarian to democratic rule is critical for establishing a strong democratic foundation in order to promote future survival of a regime and prevent the return of authoritarian government. The transition period, as defined by Bunce, is “understood as beginning with an evident weakening of authoritarian rule and ending with the first competitive elections.”⁴⁶

Scholars agree that authoritarian regimes, even hybrid regimes, endure when there is some failure or inability to successfully complete the transition to democratic governance. States lacking strong institutional foundations to provide checks-and-balances on power will remain weak, and rulers will exploit that weakness to retain power.⁴⁷ Without the strong habituation of institutional norms and procedures, “widespread corruption, human rights violations, illegality, and abuses of authority by the holders of state power at all levels,” according to Schedler, will continue and challenge the survival of a democracy.⁴⁸ Guillermo O’Donnell agrees that the transition period is important because “new democracies are at best poorly institutionalized.”⁴⁹ However, he notes that “particularism”—the promotion of narrow, elite interests—“exists in uneasy

⁴⁵ Bunce, “Rethinking Recent Democratization,” 186–188.

⁴⁶ Ibid., 170.

⁴⁷ Andreas Schedler, *The Self-Restraining State* (London: Lynne Rienner, 1999), 2.

⁴⁸ Ibid., 1.

⁴⁹ O’Donnell, “Illusions About Consolidation,” 35, 37.

tension with the formal rules and institutions of” modern democracy.⁵⁰ Modern democracy, what Robert Dahl calls a polyarchy, requires a regime that is “substantially popularized, liberalized... highly inclusive and extensively open to public contestation.”⁵¹ The institutional problems new democracies face are also accountability problems: weak institutions allow authoritarian behavior, as the government lacks an ability to enforce or promote the rule of law.

Russia’s early years as a democracy illustrate how weak institutional foundations negatively affect democratic consolidation. Gel’man describes how the Duma granted Boris Yeltsin sweeping powers for a year (from December 1991-December 1992) to overcome legislative deadlock, and allow for the implementation of economic legislation.⁵² The power included consolidating the President and Prime Minister positions under a single authority (the president), canceling regional elections, and allowing the unchecked issuance of presidential decrees that carried the force of law.⁵³ While the powers bestowed on the president had the best of intentions, attempting to spur previously-stagnant economic legislation, the unchecked powers laid the foundation for a battle between Yeltsin and the Duma over who truly held power in Russia. In October 1993, Parliament attempted to spur riots against a pro-Yeltsin television station, at which point Yeltsin responded by sending tanks and shelling the parliament building, killing 146 people.⁵⁴ Following the bloody confrontation, a constitutional referendum and parliamentary elections were held that solidified Yeltsin’s power. The referendums granted Yeltsin the unchecked ability to dissolve the Duma on a whim if he desired.⁵⁵ The standoff with Parliament and the subsequent referendums highlight how obtaining the correct foundation for democratic rule during the transition phase is critical for

⁵⁰ O’Donnell, “Illusions About Consolidation,” 35, 37.

⁵¹ Robert Dahl, “Polyarchy: Participation and Opposition,” in *Readings in Comparative Politics*, eds. Mark Kesselman and Joel Krieger (Boston: Houghton Mifflin Company, 2006), 159.

⁵² Gel’man, *Authoritarian Russia*, 47–48.

⁵³ Ibid., 47–48.

⁵⁴ Ibid., 53–54.

⁵⁵ Ibid., 54–55.

democracy's survival. Establishing quality institutions right away allows for the habituation of norms and practices suitable to a healthy democracy from the beginning.

Aside from institutional and accountability problems during the transition period, democracies in the post-Soviet sphere may fail to consolidate if democratic reforms are implemented too slowly. Some contend that successful democratization in post-communist countries hinges on a quick and clean break with the communist past, unlike in Latin American countries, which used a bridging strategy that slowly integrated people and democracy over a greater amount of time.⁵⁶ Analyzing Poland's transition from communism, Bunce describes that high popular support and a "sweeping economic... [and] radical reform agenda," contributed to a quicker than planned transition to democracy.⁵⁷ An abrupt severing of former Soviet ties facilitated a greater habituation of democratic procedures and norms, and improved the survivability of a democratic regime.

3. The Rise of Hybrid Regimes

The democratic consolidation school often discusses transitional dynamics as either leading to consolidated or unconsolidated democracies, in a binary format. Other scholars, as indicated earlier, analyze how the process of democratic consolidation may actually lead to the consolidation of a nondemocratic regime that has the trappings of democracy, which they label hybrid regimes. As previously suggested, scholars find two types of hybrid regimes: electoral authoritarian and competitive authoritarian. Democracies that fail to follow through on a successful transition or instill flawed norms and practices open the door to regressing back to authoritarian rule or developing a form of hybrid governance that incorporates both democratic and authoritarian practices. Hybrid regimes have their roots in the transition period to democratic rule, and these regimes use democratic institutions to mask authoritarian rule.⁵⁸ Matthijs Bogaards echoes the same idea that these types of governance are "inherited from an undemocratic

⁵⁶ Bunce, "Rethinking Recent Democratization," 174.

⁵⁷ *Ibid.*, 184–185.

⁵⁸ Diamond, "Thinking About Hybrid Regimes," 24–25.

past... [or] created in the transition process and subsequent reconfiguration of political institutions.”⁵⁹

The lack of strong democratic institutions allows for the erosion of democracy from within, an aspect that O’Donnell alludes to (see previous section) with the effects of particularism. Authoritarian leaders manipulate the electoral process by barring opposition candidates or parties; however, elections in competitive authoritarian regimes lack the widespread fraud one sees in electoral authoritarian regimes.⁶⁰ The media can be a platform to challenge rulers, but at the same time be under authoritarian leadership control. The key with competitive authoritarian regimes is that autocratic elements lack sufficient power to completely remove or degrade democratic elements, so there is a constant tension between the two. Levitsky and Way indicate that rulers in competitive authoritarian regimes may choose more subtle means to exercise authoritarian tendencies, opting for “bribery [or] co-option” over overt or pervasive violations of democratic norms and practices as in electoral authoritarian regimes.⁶¹

E. BRIEF POLITICAL HISTORY AND CAST OF CHARACTERS

Ukraine presents a turbulent political history. The following will present a basic chronological evolution of Ukraine’s political history. While not all encompassing, this section seeks to present key events and players that will be recurring throughout the thesis. Leaving the Soviet Union in 1991, Ukraine experienced numerous political shortcomings and upheavals that hindered the nation’s ability to consolidate toward a strong democracy. Two revolutions failed to address what ails the country’s progress. Separately, current difficulties are compounded by a recent war in the country’s east with Russian-backed separatists. The challenges facing Ukraine’s government today are large.

Unfolding between 1990 and 1991, the events surrounding independence were fast-paced. Negotiations between democratic, nationalist, and communist forces seeking

⁵⁹ Bogaards, “How to Classify Hybrid Regimes?,” 406.

⁶⁰ Levitsky and Way, “The Rise of Competitive Authoritarianism,” 63.

⁶¹ Ibid., 62.

independence began in the 1990s.⁶² All sides bargained for what future Ukraine should look like, and while they were unable to agree entirely, all sides wanted independence in order to chart their own path free from higher Soviet overreach. Ukraine achieved independence on August 24, 1991, voting to break away from the Soviet Union with an overwhelming majority in Parliament: 346 to 1.⁶³ Also, a popular referendum later supported Ukraine's government with 90 percent of the population voting in support of independence.⁶⁴ Lastly, elections held that December rewarded Leonid Kravchuk, the former Head of Communist Ideology in Soviet Ukraine, as the nation's first head of state, beating out the democratic opposition candidate, Vyacheslav Chornovil, 61.6 to 23.3 percent, respectively.⁶⁵

Kravchuk set out on an ambitious policy of establishing a national and cultural foundation for Ukraine. The government maintained a priority on symbols of statehood, including a national anthem and flag.⁶⁶ Also, heated debates over national identity, including language and official history, pitted pro-European forces from Western Ukraine against the heavily Soviet-influenced East.⁶⁷ On the economic side, Kravchuk's policies were lacking. Privatization was extremely slow and faced stiff resistance from the carry-over communists.⁶⁸ Separately, printing money, as Andrew Wilson describes, "hand over fist" to back production and pay state wages sent inflation through the roof and facilitated large amounts of capital flight from the economy.⁶⁹ Kravchuk's entire presidency was a disaster that left many Ukrainians disenchanted by their new government. Anger mounted

⁶² Bohdan Harasymiw, *Post-Communist Ukraine* (Toronto: Canadian Institute of Ukrainian Studies, 2002), 28–30, 36–37.

⁶³ Andrew Wilson, *The Ukrainians Unexpected Nation*, 3rd ed. (New Haven, CT: Yale University Press, 2009), 161.

⁶⁴ Rajan Menon and Eugene Rumer, *Conflict in Ukraine: The Unwinding of the Post-Cold War Order* (Cambridge, MA: The MIT Press, 2015), 21.

⁶⁵ Valerie J. Bunce and Sharon L. Wolchik, *Defeating Authoritarian Leaders in Postcommunist Countries* (New York: Cambridge University Press, 2011), 115.

⁶⁶ Sharon L. Wolchik and Volodymyr Zviglyanich, eds., *Ukraine: The Search for a National Identity* (Oxford: Rowman & Littlefield Publishers, Inc., 2000), 35.

⁶⁷ Ibid.

⁶⁸ Wilson, *The Ukrainians Unexpected Nation*, 182–183.

⁶⁹ Ibid., 257.

over a failed presidency, particularly in the East where Ukrainian miners went on strike. Once the pride of Soviet production and economy, coal miners in the East demanded the government fix their economic situation.

The miners' strike of 1993 proved the end of Kravchuk. Attempting to pay wage arrears by printing money, the economic situation only worsened.⁷⁰ The strike ended with early elections that forced Kravchuk out of office prior to the formal end of his term. In June 1994, Ukrainians elected Leonid Kuchma over Kravchuk as their second president with 52 percent of the vote and a clear regional division of pro-Russian support in the East.⁷¹

Kuchma's presidency saw economic turnaround and expanding centralized control over the government. Increasing privatization and introducing an official national currency, Kuchma reduced inflation and began to get a hold of the economy; however, his program gave rise to an elite oligarch class as the privatization of large state companies benefited the few that were loyal to the president.⁷² Primarily revolving around energy trade, heavy industries, and the media, the oligarchs came to dominate the political scene, making millions as the overall economy continued to stagnate and decline. Entering into the 2000s, Kuchma appointed a savvy economist as Prime Minister, Viktor Yushchenko, who accelerated economic progress.⁷³ Yushchenko's reforms, along with his Deputy Prime Minister Yulia Tymoshenko, turned the economy around, which began experiencing real growth again in the 2000s. The reforms directly targeted oligarch power and profit schemes.⁷⁴ Such a targeted and successful program made Yushchenko more popular than Kuchma and threatened Kuchma's power base.

In addition to the economic turnaround, Kuchma expanded his control over the government. Introducing a new constitution in 1996, Kuchma expanded his authority,

⁷⁰ Wilson, *The Ukrainians Unexpected Nation*, 257.

⁷¹ Ibid., 184.

⁷² Menon and Rumer, *Conflict in Ukraine*, 29.; Wilson, *The Ukrainians Unexpected Nation*, 264–272.

⁷³ Ibid., 30.

⁷⁴ Ibid.

including the power to unilaterally dismiss positions and dissolve the parliament.⁷⁵ In addition, Kuchma shored up his power of the media through both state-run stations and loyal oligarch elites. Kuchma notoriously issued out censorship guidelines to the media, known as *Temniki*, as a means to control the popular narrative.⁷⁶ Also, Kuchma leveraged the tax and traditional police as a mechanism to control vocal opposition. Shutting down dissenting or opposition newspapers was common through the use of tax police, or the denial of permit renewals.⁷⁷ At the same time, the national appointment of loyal police chiefs and judges ensured an extension of the executive pervaded the courts and law enforcement.⁷⁸ Kuchma built his own version of authoritarianism that was extensively developed by 2004, when his chosen successor faced the possibility of losing to the opposition party.

Exercising all levers of control built since 1994, Kuchma engineered a political campaign that attempted to guarantee his chosen successor, Viktor Yanukovich, victory. Leveraging the tax police and shutting down opposition newspapers and television stations during the campaign season is one such example.⁷⁹ More importantly, engineering a widespread campaign of egregious voter fraud through ballot tampering,

⁷⁵ Nadia Diuk, "Sovereignty and Uncertainty in Ukraine," *Journal of Democracy* 12, no. 4 (2001): 61, <http://doi.org/10.1353/jod.2001.0067>; Ilya Prizel, "Ukraine Between Proto-Democracy and 'Soft' Authoritarianism," in *Democratic chances and authoritarian reactions in Russia, Ukraine, Belarus, and Moldova*, eds. Karen Dawisha and Bruce Parrott (Cambridge, UK: Cambridge University Press, 1997), 358–359; Wilson, *The Ukrainians Unexpected Nation*, 196–198.

⁷⁶ Lucan Way, "Kuchma's Failed Authoritarianism," *Journal of Democracy* 16, no.2 (2005): 132, <http://libproxy.nps.edu/login?url=http://search.proquest.com/docview/60668655?accountid=12702>.

⁷⁷ Olena Nikolayenko, "Press Freedom During the 1994 and 1999 Presidential Elections in Ukraine: A Reverse Wave?," *Europe-Asia Studies* 56, no.5 (2004): 669, <http://www.jstor.org/stable/4147477>; Bohdan Harasymiw, "Policing, Democratization and Political Leadership in Postcommunist Ukraine," *Canadian Journal of Political Science* 35, no. 2 (2003): 325–326, 333, <http://libproxy.nps.edu/login?url=http://search.proquest.com/docview/59935332?accountid=12702>.

⁷⁸ Anders Åslund, *How Ukraine Became a Market Economy and Democracy* (Washington, DC: Peterson Institute for International Economics, 2009), 245.; Oleh Protsyk, "Ruling With Decree: Presidential Decree Making in Russia and Ukraine," *Europe-Asia Studies* 56, no. 5 (2004): 648–650, <http://dx.doi.org/10.1080/0966813041000235083>; Harasymiw, "Policing, Democratization and Political Leadership in Postcommunist Ukraine," 324, 327.

⁷⁹ Nikolayenko, "Press Freedom During the 1994 and 1999 Presidential Elections in Ukraine: A Reverse Wave?," 669.; Harasymiw, "Policing, Democratization and Political Leadership in Postcommunist Ukraine," 325–326, 333.; Paul D'Anieri, *Understanding Ukrainian Politics: Power, Politics, and Institutional Design* (New York: M.E. Sharp, Inc., 2007), 86.

threatening polling stations, and poisoning his main contender, Kuchma went too far.⁸⁰ Kuchma's actions sparked massive street protests demanding his resignation and a repeat round of voting, a movement known as the Orange Revolution.

Pressuring the courts to overturn the fraudulent round and force a repeat round of voting, the Orange Revolution was deemed a success. The poisoned opposition candidate and former Kuchma prime minister, Viktor Yushchenko, emerged victorious as Ukraine's third president. Alongside his trusted campaign aide, Yulia Tymoshenko, the two were set to run Ukraine's next government. Yushchenko appointed Tymoshenko as his prime minister, but shortly after taking command of the government the two clashed over economic and political reforms. These clashes resulted in a breakup of their grand coalition, and created inroads for Viktor Yanukovich to gain additional power in Parliament, eventually becoming Prime Minister. Over the remainder of Yushchenko's term, there was a back and forth for political power, with the Prime Minister position changing from Tymoshenko, to Yanukovich, then back to Tymoshenko. In the end, the revolutionary Orange presidency failed to deliver a revolutionary government, leaving many Ukrainians disenchanted with the revolution and taking their anger to the polls in 2010.

Demonstrating popular anger over the previous government, the people elected Viktor Yanukovich, the disgraced 2004 candidate, as the nation's fourth president. Yanukovich, almost immediately after taking office, embarked on a campaign to shore up political power. Establishing a loyal network of elites, Yanukovich allowed businessmen and politicians to continue corrupt practices and gain immense wealth without government opposition, so long as they pledged complete political loyalty to Yanukovich.⁸¹ This network benefited Yanukovich until 2013, when his house of cards came crashing down.

⁸⁰ *Orange Revolution*, directed by Steve York (YorkZimmerman, Inc., 2007), DVD.; Organization for Security and Cooperation in Europe (OSCE), Office for Democratic Institutions and Human Rights (ODIHR), "Ukraine: Presidential Election 31 October, 21 November and 26 December 2004 OSCE/ODIHR Election Observation Mission Final Report," modified May 11, 2005, pg. 1–3, <http://www.osce.org/odihr/elections/ukraine/14674>.

⁸¹ Taras Kuzio, *Ukraine: Democratization, Corruption, and the New Russian Imperialism* (Santa Barbara, CA: Praeger, 2015), 423.

Since 2007, prior to Yanukovych's downfall, the Ukrainian government worked on a deal with the EU for expanded trade and visa-free travel between the two.⁸² That deal was ready for a signature in 2013. Signing the EU agreement would mark a significant commitment to joining Europe, improving Ukraine's institutions for economic trade, and more importantly represent a significant rebuke to Russia. For decades Russia sought to expand its influence in Ukraine, establishing deep roots with economic and political integration through the ashes of the Soviet Union. Signing the EU deal would have sent a stark message that Ukraine no longer required Russia's support or influence.

In 2013, Viktor Yanukovych backed away from the EU deal. Yanukovych's decision resulted in small scale street demonstrations in Kyiv demanding a change to the status quo.⁸³ As a result of the demonstrations, Yanukovych ordered a harsh police response to break up the protestors.⁸⁴ The beating of demonstrators only fanned the anger amongst the populace, sending more people to the streets to demand Yanukovych's resignation. The events surrounding 2013 to 2014 came to be called the Euromaidan, or the Revolution of Dignity. While the demonstrations started out small and were violently suppressed, in February 2014, Yanukovych's order to use live ammunition against demonstrators turned the nation against the leader.⁸⁵ Killing over 100 civilians, the unbridled violence brought hundreds of thousands of Ukrainians from all over the country to Kyiv to challenge the regime. Yanukovych fled to Russia in February 2014 as a result of the political upheaval, Parliament voted to hold new elections, and the people, yet again, successfully dictated the terms of their political future.

Separately, while the Euromaidan was unfolding, Russia invaded Ukraine. Taking advantage of the political chaos, the Russian government seized part of Ukraine's southern territory, known as the Crimean peninsula.⁸⁶ Also, Russia began instigating and

⁸² Menon and Rumer, *Conflict in Ukraine*, IX.

⁸³ *Winter on Fire: Ukraine's Fight for Freedom*, directed by Evgeny Afineevsky (Netflix, 2015).; Menon and Rumer, *Conflict in Ukraine*, 79.

⁸⁴ *Winter on Fire*, Netflix.; Menon and Rumer, *Conflict in Ukraine*, 79.

⁸⁵ Lucan Way, *Pluralism by Default: Weak Autocrats and the Rise of Comparative Politics* (Baltimore, MD: Johns Hopkins University Press, 2015), 84.; *Winter on Fire*, Netflix.

⁸⁶ Serhii Plokhy, *The Gates of Europe* (New York: Basic Books, 2015), 340–341.

supplying a separatist movement in two of Ukraine's eastern regions: Donetsk and Luhansk.⁸⁷ Violating numerous international agreements, Russia's actions added another layer of complexity and challenges to Ukraine's domestic and international political situation.

Eventually, Ukraine held presidential and parliamentary elections in May 2014. Fighting and Russian involvement hampered voting in the war torn regions of Donetsk and Luhansk, as well as Crimea. In the end, Ukrainians voted Petro Poroshenko in as the country's fifth, and current, president. Winning 54.7 percent of the vote in the first round, for the first time in Ukrainian history, the nation elected a president with enough of a majority to avoid a second round runoff.⁸⁸

Ukraine's progress toward democracy has been inconsistent with marked instances toward greater authoritarianism. With such a turbulent past, and uncertain future, can one really say that Ukraine is a strong democracy? What does it mean to be a democracy? Does it merely mean possessing specific institutions, or does the quality of those institutions matter? If Ukraine does not constitute a democracy, then what type of government are they? Given its rich political past, Ukraine presents an interesting case study to apply the principles of democratic consolidation and hybrid government theory to determine what type of government they are, why, and where things went wrong for democracy. The remainder of this thesis applies the principles of theory to Ukraine, reaching the conclusion that Ukraine is far from a consolidated democracy. Rather, Ukraine is something different, strongly akin to a hybrid regime coined competitive authoritarian regime.

⁸⁷ Ploky, *The Gates of Europe*, 341–345.

⁸⁸ Andrew Wilson, *Ukraine Crisis: What It Means for the West* (New Haven, CT: Yale University Press, 2014), 151–153.

II. POLITICAL INSTITUTIONS, ELITE CHOICES, AND LASTING IMPACT

A. INTRODUCTION

Ukraine's political institutions remain an area of contestation beyond the norms and behavior of a developed democracy and are indicative of a competitive authoritarian state. Recalling that scholars attest post-communist countries are most successful at transitioning to democracy when they experience a clean break with the Soviet past, Ukraine did the exact opposite. Essentially, a clean break implies that old elites must go, and institutions overhaul and cleanse themselves of centralized Soviet influences in order to have the best chance at transitioning to a successful democracy. Ukraine opted for a bridging strategy that attempted to build a new type of government out of the old Soviet framework. Failing to break with that past at the critical transition from Soviet to democratic rule allowed hybrid consolidation to take hold. Democratic institutions were built out of a Soviet framework, with Soviet practices and actors, establishing democratic and autocratic elements that became entrenched and live in tension with each other.

Choosing to carry over political institutions from the Soviet era, and molding them from within, hindered democratic consolidation in Ukraine. Following a description of Ukraine's political system, this chapter will cover key choices just prior to and following independence that shaped Ukraine's early system of governance, including maintaining the Soviet constitution, keeping communist elites in power, and electing a Communist as Ukraine's first president. These choices set the stage and early rules of the political game that influenced the transition and consolidation process. Analyzing the impact of these choices on key governmental aspects, including the Parliament, the president and prime minister relationship as defined by the Ukrainian constitution, the dependent judiciary, and the electoral process will demonstrate these institutions continually fail to meet democratic standards. Ukraine's political institutions failed to consolidate toward a strong democracy, and remain stuck in hybrid rule.

B. BACKGROUND

Both democratic and communist forces had interest in an independent Ukraine. As national and democratic opposition movements gained seats in Ukraine's Soviet parliament, known as the Verkhovna Rada, in 1990, these movements began to push for independence.⁸⁹ Even with growing opposition to single party rule, the Communists were also interested in achieving national independence. An independent Ukraine allowed to determine its future, avoiding Mikhail Gorbachev's forced policies of *glasnost* and *perestroika*, in theory could remain highly centralized.⁹⁰ Though events unfolded quickly in 1991, the Rada amended the 1978 Soviet constitution, added president and prime minister positions, declared independence from the Soviet Union, and held their first nationwide elections.⁹¹ Additionally, Ukraine decided to keep its 1978 Soviet constitution as continued negotiations for a new one failed to come to fruition until 1996, creating lasting implications for the institutional shortcomings facing Ukraine today.⁹²

The 1978 Soviet constitution was designed for a government operated under a single, Communist Party rule. In theory, Ukraine maintained three branches of government under communism: the executive overseen by Union of Soviet Socialist Republic (USSR) leaders such as Gorbachev or the head of the Rada, the legislative through the Communist Rada, and a Soviet judiciary.⁹³ However, these institutions were dominated by single party rule through the Communists and failed to act as true checks and balances to each other. Rather, these institutions were designed to promote and support the party in power. In fact, the delineation of powers were often deliberately vague in documents so as to allow flexibility and informal practices beyond the scope of the law. The influence of this relic carried over into independent Ukraine, with all of its amendments.

⁸⁹ Bohdan Harasymiw, *Post-Communist Ukraine*, 36.

⁹⁰ Prizel, "Ukraine Between Proto-Democracy and 'Soft' Authoritarianism," 343; D'Anieri, *Understanding Ukrainian Politics*, 78.

⁹¹ Wilson, *The Ukrainians Unexpected Nation*, 167–168; D'Anieri, *Understanding Ukrainian Politics*, 80.

⁹² Harasymiw, *Post-Communist Ukraine*, 35–68.

⁹³ D'Anieri, *Understanding Ukrainian Politics*, 127–128.

Ukraine emerged from the Soviet Union in August 1991 as an independent state, achieved as a common goal by diverging interests: the Communists with their hopes for maintaining a centralized state, and the national/democratic movements hoping for something different. Three main decisions established the continuation of communist influence in the new government. First, bargaining for independence allowed communist elites to remain in place, along with their influence and old ways of business, in the new government. Second, the outdated Soviet constitution remained the law of the land, and was amended to add two new positions without clearly defined roles. Third, electing Leonid Kravchuk, a former communist, as the nation's first president did little to remove old influence from the new system. These choices directly hindered democratic development and perpetuated Soviet influence in the new independent government.

C. CHOICES AND THEIR CONSEQUENCES—EXTENDING THE SOVIET SHADOW

Deciding to keep communist elites in positions of authority directly hindered democratic consolidation in Ukraine's early transition. In order to achieve independence, the then-head of the Rada, Leonid Kravchuk, knew he needed both opposition and communist support to make it happen. As a result, he had to bargain with both sides to determine the rules of the game going forward, which limited the country's ability to break with its past. The result of bargaining included keeping the communist elite on board in the new government.⁹⁴ Following independence, the Communist Party was formally banned until 1993, though in reality officials were allowed to remain in their positions under new party titles.⁹⁵ As part of the deal for independence, old elites remained as long as they supported an independent Ukraine.⁹⁶ In this way, the majority of the Communist politicians remained in their equivalent positions following independence, with Igor Torbakov noting that up to "80 percent of sovereign Ukraine's government elite, both in [Kyiv] and regional centers, are members of the old

⁹⁴ Wilson, *The Ukrainians Unexpected Nation*, 173–178.

⁹⁵ Ibid.

⁹⁶ Ibid., 174.

nomenklatura.”⁹⁷ A clean break with the past necessitated the expulsion of former Communists, in order to prevent their influence from tainting the new government institutions.

The presence of the old elite made chances of substantial reform next to impossible, as the former communists often blocked opportunities at modernization reforms that often ran contradictory to their personal interests. “The most serious obstacle to Ukraine’s successful... democratization remains the well-entrenched nomenklatura,” according to Ilya Prizel, “which derived enormous benefits from the economic distortions and political paralysis.”⁹⁸ Former communists had little interest in a democratic Ukraine. As Taras Kuzio illustrates quite well, the elites simply traded their “red and blue for blue and yellow colorings.”⁹⁹ In other words, little changed after independence and Soviet influence persisted through the Ukrainian political system. Former communists in their reincarnated parties continued to block reform, democratic or otherwise, threatening their interests.

Also, deciding to keep the original Soviet constitution after independence contributed to lasting institutional weakness. Remaining the law of the land from 1978 to 1996, the document called for three branches of government.¹⁰⁰ The Verkhovna Rada represented the legislative branch, crafting and voting on laws. In addition, the constitution called for having both a president and prime minister. However, the document failed to delineate who had what specific roles. In theory, the president remained responsible for foreign policy and key cabinet appointments such as defense, while the prime minister maintained other appointments, remained accountable to the Rada and the president, and remained concerned with day-to-day domestic affairs.¹⁰¹

⁹⁷ Igor Torbakov, “Ukraine: Vagaries of the Post-Soviet Transition,” *Demokratizatsiya* 8, no. 4 (2000): 466, <http://libproxy.nps.edu/login?url=http://search.proquest.com/docview/237197747?accountid=12702>.

⁹⁸ Prizel, “Ukraine Between Proto-Democracy and ‘Soft’ Authoritarianism,” 363.

⁹⁹ Taras Kuzio, *Ukraine Under Kuchma: Political Reform, Economic Transformation and Security Policy in Independent Ukraine* (New York: St. Martin’s Press, 1997), 3.

¹⁰⁰ D’Anieri, *Understanding Ukrainian Politics*, 75; Kuzio, *Ukraine Under Kuchma*, 30.

¹⁰¹ D’Anieri, *Understanding Ukrainian Politics*, 80–81; Bohdan, *Post-Communist Ukraine*, 113–114.

Since the document failed to adequately define these roles, infighting consumed the president and prime minister relationship as each jockeyed for greater power. Lastly, the judiciary branch was to be an independent apparatus; however, the persistent communist legacy undermined that mandate. Overall, given its lack of definition and extended Soviet influence, the constitution promoted dysfunction, confrontation, and power grabbing in the three branches of government, rather than conducting any meaningful reform for the prospect of a better democracy.

The contest over power played out in 1996 when a new constitution *was* finally adopted. Ukraine's second president, Leonid Kuchma, rammed a new constitution through the Rada under an illegal threat of dissolving the Ukrainian Parliament.¹⁰² The Rada capitulated to Kuchma's threats and overwhelmingly approved the new constitution, granting the president greater powers and further weakening Parliament. Enhancing presidential powers, the 1996 constitution granted the president the approval to dissolve Parliament, appoint and dismiss the prime minister, and remove deputies from the protection of immunity laws.¹⁰³ Though the Soviet constitution needed to be replaced, the new one was more undemocratic than the last as it centralized greater powers to the executive. Additionally, the document's adoption came about by illegitimate and illegal tactics on part of the executive. This illustrates the willingness of elites to operate beyond the rules and is representative of building a greater authoritarian regime.

The constitution set the stage and rules of the game, but the people's choice to elect Leonid Kravchuk, a former card carrying member of the Communist Party, as Ukraine's first president did little in regard to promote a strong democratic state. Kravchuk was the former head of the Ideology Department of the Communist Party for Ukraine.¹⁰⁴ Kravchuk's communist ties, chiefly being the head of ideology, are a far cry from breaking with the Soviet past, and cast doubt of his true intentions at building a

¹⁰² D'Anieri, *Understanding Ukrainian Politics*, 84–85.

¹⁰³ Paul Kubicek, "The Limits of Electoral Democracy in Ukraine," *Democratization* 8, no. 2 (2001): 135. <http://dx.doi.org/10.1080/714000202>; Wilson, *The Ukrainians Unexpected Nation*, 196, 198.

¹⁰⁴ Bunce and Wolchik, *Defeating Authoritarian Leaders in Postcommunist Countries*, 115.

stable democracy in the ashes of the Soviet Union. While electing a former communist as Ukraine's first independent president did not guarantee an authoritarian future, in conjunction with the other factors of Soviet influence, it compounded the odds against a successful transition.

These key decisions had disastrous effects on the transition beyond the first presidency, as the Soviet legacy persisted in early government development. Literature on post-communist states indicates the criticality for such nations to break away from their Soviet past as well as develop robust institutions right away in order to provide the best odds at achieving democratic success. Ukraine's political system continues to be plagued by these decisions that were made in haste from 1990–1991, with Soviet influence affecting the development of all three branches of government. One need look at the development and impact of Ukraine's Parliament, the uneasy relationship between president and prime minister, and the executive influenced judiciary branch to understand this conclusion.

D. PARLIAMENT—THE VERKHOVNA RADA

The structural aspects and evolution of Ukraine's Parliament promote fragmentation, corruption, and legislative stagnation. Following a brief overview of Ukraine's Parliament and what theory tells us about quality parliamentary systems, this section will analyze how Ukrainian political parties are created around individual interests, vice a public platform. Parliamentary laws and procedures promote politicians' self-interest, and predatory behavior. These same laws also shield parliamentary members from punishment, changing the incentives in favor of corrupt practices. Overall, this critical institution fails to serve the public interest and achieve the consistent cooperation found in strong democracies. Rather, the predatory, competitive, and autocratic practices found in the Verkhovna Rada fall in line with hybrid governance as elites violate the rules of the institution so often and fail to uphold democratic norms.

The Verkhovna Rada, Ukraine's main legislative body, consists of 450 representatives that are elected by popular vote to a five year term.¹⁰⁵ While the structure has changed over the years, regarding how members of parliament are elected, thresholds of victory, and term limits, currently, the Rada is a mixed system.¹⁰⁶ Two-hundred twenty-five members of the Rada are elected via Single Member District (SMD) rules, also known as "first past the post" or "winner take all."¹⁰⁷ Essentially, under SMD rules only one candidate gains the seat upon victory, and nothing is awarded to the second place candidate. Separately, the other 225 members of Parliament are elected via Proportional Representation (PR), where an assortment of candidates gain seats based on the percentage of votes won.¹⁰⁸ Under PR, runner up candidates (second, third, fourth place) can gain seats if they cross a certain threshold of victory. As scholars attest, the mixed system is polluting Ukraine's political system as it promotes fraud, and fails to create incentives for coalition building, which leads to gridlock and fragmentation.¹⁰⁹ Though there are concerns regarding how the Rada elects its members, the problems run deeper and reflect how political parties work in Ukraine, and how Rada laws and procedures are practiced every day.

Democratic consolidation theory tells us that parliamentary makeup is critical to the success or failure of a developing democracy. Political parties can play the vehicle of popular preference in government. Too many parties with vastly different visions generally fail to achieve cooperation and compromise. Too few political parties and popular preferences may not be adequately represented. This requires finding the right number of parties for any given society, and parties that are designed as a vehicle for

¹⁰⁵ Organization for Security and Cooperation in Europe (OSCE), Office for Democratic Institutions and Human Rights (ODIHR), "Ukraine Early Parliamentary Elections 26 October 2014 OSCE/ODIHR Election Observation Mission Final Report," modified December 19, 2014, 6–7, <http://www.osce.org/odihr/elections/ukraine132556>.

¹⁰⁶ Maksym Kovalov, "Electoral Manipulations and Fraud in Parliamentary Elections: The Case of Ukraine," *East European Politics and Societies and Cultures* 28, no. 4 (2014): 781–782, <http://journals.sagepub.com.libproxy.nps.edu/doi/pdf/10.1177/0888325414545671>.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid., 801–802.; Åslund, *How Ukraine Became a Market Economy and Democracy*, 8.; D'Anieri, *Understanding Ukrainian Politics*, 10, 40–43, 57.

public good. Separately, the rules of the game are also critical for the success or failure of parliamentary systems. Rules such as an imperative mandate force politicians to maintain party platform or risk losing their seat to someone else in the party.¹¹⁰ Immunity laws also foster honest debate and freedom of speech within Parliament's chambers that is conducive for crafting quality legislation.¹¹¹ In contrast, blanket immunity laws can be utilized as a shield for corrupt practices and petty behavior, beyond the scope of legislative duties. Thus, the make-up, including parties, structure, and laws, are critical to shaping or degrading democratic consolidation.

For Ukraine, Parliament fails to serve the public interests and ideals of democratic governance, and remains in a perpetual state of fragmentation. Too many political parties in a mixed system makes coalition building difficult. Separately, political parties in Ukraine are not exactly created to promote public interest. Rather, they are often created to promote oligarch and individual interests. By the time Kuchma entered office in 1994, there were nearly 40 registered political parties in Ukraine.¹¹² Parties ranged from the more serious Rukh and Communist parties to the interesting Beer Lovers party.¹¹³ More recently, as of 2014, nearly 200 political parties are registered in Ukraine.¹¹⁴ While most of them fail to reach the threshold to gain seats, consistently two or three parties hold a large share of the seats with the remainder sprinkled with numerous other smaller parties. Generally, even with coalitions, few hold enough seats for even a simple majority. Though more is discussed later, the idea is that too many political parties degrade the coalition building necessary to pass legislation.

Aside from the number, political parties remain fluid in Ukraine, shifting from new names and new leaders over the years, but predominantly revolving around the super wealthy. Four out of five major political parties were tied to oligarchs in 2001, and their

¹¹⁰ D'Anieri, *Understanding Ukrainian Politics*, 58.

¹¹¹ R.J.E., "Why Politicians are Granted Immunity from Prosecution," *The Economist* (blog), modified May 27, 2016, <http://www.economist.com/blogs/economist-explains/2016/05/economist-explains-21>.

¹¹² Kuzio, *Ukraine Under Kuchma*, 8.

¹¹³ *Ibid.*, 18.

¹¹⁴ Kuzio, *Ukraine: Democratization, Corruption, and the New Russian Imperialism*, 175.

influence in politics remains today.¹¹⁵ One might think that such a diverse stage of political parties promotes competition in a manner conducive to democratic behavior. However, in Ukraine, the majority of political parties are created to serve an elite few and their elite interests, and fail to uphold democratic values or work for the people.

The story of Rinat Akhmetov is one such example. As Ukraine's wealthiest oligarch, Akhmetov became a parliamentarian in 2006 and never attended another session following his oath of office.¹¹⁶ In addition, Kuzio notes that Akhmetov's voting card "continues to be used in his absence."¹¹⁷ Akhmetov is indicative of the greater problem with Ukrainian political parties in that they often serve as a means for personal advancement vice a platform to advance Ukrainian democracy or serve the public.¹¹⁸ Perks such as blanket parliamentary immunity offer an attraction to individuals that is difficult to resist. Akhmetov likely sought political office as a means to enrich and protect himself.

While parties often serve as a vehicle for elite power, protection, and enrichment, each election cycle typically produces at least three parties that are the most influential in the Rada. For example, shortly after the Orange Revolution, three political parties maintained the most influence, and though there were others, for all intents and purposes Ukraine was a three-party system.¹¹⁹ The three-party system revolved around Yanukovich's Party of Regions, Tymoshenko's Bloc of Yulia Tymoshenko (BYT), and Yushchenko's Our Ukraine.¹²⁰ While other smaller parties held seats, all parties failed to achieve enough seats for a simple majority. Consequently, a system that generates more than two parties or coalition groups and lacks simple majorities does not bode well for

¹¹⁵ Diuk, "Sovereignty and Uncertainty in Ukraine," 62.; Serhiy Kudelia, "Corruption in Ukraine: Perpetuum Mobile or the Endplay of Post-Soviet Elites?," in *Beyond the Euromaidan: Comparative Perspectives on Advancing Reform in Ukraine*, eds. Henry E. Hale and Robert W. Orttung (Stanford: Stanford University Press, 2016), 75.

¹¹⁶ Taras Kuzio, "Political Culture and Democracy: Ukraine as an Immobile State," *East European Politics and Societies* 25, no. 1 (2011): 90, <http://journals.sagepub.com.libproxy.nps.edu/doi/abs/10.1177/0888325410388410>.

¹¹⁷ Ibid.

¹¹⁸ Kubicek, "The Limits of Electoral Democracy in Ukraine," 125.

¹¹⁹ Wilson, *The Ukrainians Unexpected Nation*, 330.

¹²⁰ Ibid.

progress in Ukraine. Keeping coalition cohesion proves difficult, and even simple majorities are hard to come by. Thus, gridlock and stagnation tend to dominate this type of system. As a result, persistent gridlock can be used as a pretext to justify greater executive powers in the president as a means to overcome legislative stagnation; however, it also reduces the checks against the executive arm, allowing for the growth of authoritarian overreach.

To make matters worse, the laws surrounding how parliamentarians operate promote corruption and selfish practices, as well as shield members of Parliament (MP) from prosecution. For example, an “imperative mandate” requires elected officials to maintain loyalty to the party platform or risk surrendering their seat to someone else in the party.¹²¹ Lacking an imperative mandate in the first decade allowed the habituation of poor practices by MPs that became entrenched, and persisted after the law came into effect in 2006.¹²² Essentially, without this law, elected members voted for whatever suited their personal, often financial interests, which contributed to party weakness. Members could switch party platforms when it suited them, and simply vote as they pleased with little to no repercussions for their actions. The practice contributed to parties that lacked a cohesive platform or identity. In contrast, stronger political parties that not only have a clearly defined platform and ideology, but also follow it, could be beneficial for Ukrainian politics as there may be more avenues for cooperation. Lacking strong parties, along with having the ability to vote for personal incentives, political parties and coalitions fragment easily within Parliament. The ability to continue promoting self-interests, through illegal means, if necessary, without repercussion, undermines good governance, and perpetuates an unfair playing field.

Furthermore, members that fail to follow the imperative mandate escape punishment in part due to the immunity given to parliamentarians. Immunity laws protect politicians from prosecution and reinforce self-interested corrupt behavior found in autocracies. Developed under Kuchma, the 1996 constitution included a provision that

¹²¹ D’Anieri, *Understanding Ukrainian Politics*, 58.

¹²² Oleksandr Fisun, “Ukrainian Constitutional Politics: Neopatrimonialism, Rent-seeking, and Regime Change,” in *Beyond the Euromaidan: Comparative Perspectives on Advancing Reform in Ukraine*, eds. Henry E. Hale and Robert W. Orttung (Stanford: Stanford University Press, 2016), 113–114.

granted blanket immunity to parliamentarians from any prosecution or criminal charges within or beyond the Rada's walls.¹²³ Subsequently, officials use this law to shield themselves from prosecution as they continue corrupt practices to gain power and amass large amounts of wealth. Thus, the immunity law perpetuates the intermixing of money and politics that gave rise to Ukraine's oligarch elite. Efforts to reform the law are unlikely, as reform directly threatens elites with punishment or imprisonment. Draft laws to amend or strip immunity have made little progress through the Rada.¹²⁴ Thus, the issue becomes that of self-preservation for politicians with little to no incentives remaining to change the system.

The impact of this law has been substantial to Ukrainian politics. The long term distortions related to these laws perpetuates the intermixing of money and politics. Today, the pattern remains much the same as the largest political party in the current Rada, Solidarity, was built and revolves around Ukraine's current president. Also known as the "chocolate billionaire" according to Wilson, Petro Poroshenko is himself an oligarch.¹²⁵ In addition, Serhiy Kudelia notes that "other major parties—such as Yatsenyuk's People's Front, Yulia Tymoshenko's Bat'kivshchyna, Oleh Liashko's Radical Party, and Andriy Sadovyi's Samopomich—function as personalized political machines engaged in quid pro quos with the government and sustained through arcane dealings with oligarchic donors."¹²⁶ This law presents another prime example of the government failing to support popular preferences and govern for the people, as it supports elite interest.

As a result of the Rada's shortcomings, public opinion continues to hold little in regard of the Ukrainian political system. Approximately 63 percent of Ukrainians were unable to name a party that represented their views in 2001, according to Kubicek, and the majority of citizens believed political parties were merely "created for the benefit of

¹²³ Wilson, *The Ukrainians Unexpected Nation*, 196–198.; Bunce and Wolchik, *Defeating Authoritarian Leaders in Postcommunist Countries*, 116.

¹²⁴ R.J.E., "Why Politicians Are Granted Immunity From Persecution."

¹²⁵ Wilson, *Ukraine Crisis: What it Means for the West*, 151–153.

¹²⁶ Kudelia, "Corruption in Ukraine," 75.

particular leaders, and several are vehicles for oligarchs or semi-criminal structures.”¹²⁷ A populace that remains disengaged from politics, either by choice or by design, cannot hold their representatives accountable. Also, a Parliament that is disconnected from their constituents is more likely to continue seeking self-interest over public interests. In 2012, as Rajan Menon and Eugene Rumer note, roughly 27 percent of Ukrainians surveyed indicated they would not vote for any existing political party, while 41 percent said they would vote for a party only if “a new trustworthy party emerged.”¹²⁸ Even in 2014, following the Euromaidan, Ukrainians continued to negatively view political parties and Parliament. According to Kuzio, “few Ukrainians join political parties and the majority view them as self-serving institutions that are unaccountable and do not respect voters.”¹²⁹ Ukrainians have a long history of disenchantment with their political system. While decisions early to bridge between communist Ukraine and independent Ukraine promoted fragmentation and anti-democratic norms, the structure and laws surrounding Parliament compound the problem.

In summary, the Verkhovna Rada fails to uphold democratic values, norms, and practices. Elites have become deeply entrenched in the system, as a result of the failure to establish a robust structure following independence. Laws shield elites from prosecution and create incentives in favor of cheating and corruption. Efforts to take away the shield prove nonexistent. In addition, the failure of the Rada to do its job as a legislative body for the public good provides a pretext to authorize greater executive control as a means to accomplish reform. A weak legislative body allows a strong executive to implement reforms advantageous to themselves, and thus risks promoting authoritarianism, as observed with Kuchma’s 1996 constitution showdown. These same institutional deficiencies remain today, as oligarchs dominate the political scene and the maneuvering for power between president, prime minister, and Parliament continues.

¹²⁷ Kubicek, “The Limits of Electoral Democracy in Ukraine,” 126.

¹²⁸ Menon and Rumer, *Conflict in Ukraine*, 58–59.

¹²⁹ Kuzio, *Ukraine: Democratization, Corruption, and the New Russian Imperialism*, 171.

E. PRESIDENT AND PRIME MINISTER—A RECIPE FOR CONFRONTATION AND INEFFECTIVENESS

Besides parliamentary problems, the president and prime minister relationship resulting from faulty constitutional writing is creating a recipe for confrontation and ineffectiveness that persists today. Scholars argue that strong presidents only work in post-communist nations that have the overall political will to radically change their government toward democracy, often by radically breaking with the past.¹³⁰ Parliamentary systems are more successful for others given the nature of the relationship and accountability between a prime minister and Parliament.¹³¹ Maintaining a mixed system was supposed to bring the best of both worlds to Ukraine, but, as this section demonstrates, this relationship results in perpetual confrontation and power shifts unfavorable to democracy.

Frequent leadership turnover undermines the consistency of government. No prime minister in Ukraine's history has lasted an entire parliamentary term, with most MPs lasting only a year or two before being dismissed or resigning.¹³² Mykola Azarov lasted the longest, staying on as prime minister from 2010–2014, before being ousted along with Viktor Yanukovich during the Euromaidan.¹³³ A prime minister that lasts only a year or two represents a tangible element to the institutional shortcomings and inadequate division of power. This relationship presents opportunities for expanding presidential power and periods of greater authoritarianism, as observed with the Kuchma and Yanukovich regimes.

Through frequent turnover undermines consistency and stability, Ukraine also experienced an ebb and flow of political power between the president and prime minister over the years. The confrontational relationship often justifies greater executive control to the presidency. Under Kuchma and Yanukovich, Ukraine observed a greater centralization of presidential power, resulting in greater authoritarianism. In contrast, the

¹³⁰ D'Anieri, *Understanding Ukrainian Politics*, 33–38.

¹³¹ Ibid.

¹³² Kuzio, *Ukraine: Democratization, Corruption, and the new Russian Imperialism*, 292.

¹³³ Ibid.

presidencies of Kravchuk, Yushchenko, and Poroshenko split power more evenly with their prime ministers. Nonetheless, the division of power stemming from the constitution remains unclear and a source of repeated tension in Ukrainian politics.

During Kuchma's tenure as president, he went through seven different prime ministers over 10 years. Notable prime ministers include Pavlo Lazarenko (1996-1997), who was fired for the slow pace of economic reform and improvement, and for becoming a political liability over allegations of corruption.¹³⁴ In addition, as will be discussed in greater detail in Chapter IV, Kuchma fired Viktor Yushchenko (1999-2001) after successful economic reforms and rising popularity threatened the president's power and chances of reelection.¹³⁵ Under the 1996 constitution, Kuchma maintained the authority to appoint and dismiss the prime minister and cabinet members at will.¹³⁶ Thus, Ukraine observed significantly high prime minister turnover, indicative of the lack of incentives to cooperate, and the encouragement to reject and replace.

Changes to the constitution after the Orange Revolution in 2004 attempted to split powers between the two positions. The 2004 constitution granted the prime minister greater appointment powers, taking them from the president, while still retaining presidential authority in areas of defense, foreign affairs, and internal security.¹³⁷ In addition, the changes also granted the prime minister greater powers to counter-sign laws from the president.¹³⁸ Though the constitutional changes attempted to overcome the past super-presidentialism that brought about Kuchma's authoritarian regime, and later Yanukovych's, they nonetheless remain flawed and fail to promote cohesion. The ability of the prime minister to counter-sign the president with greater ease perpetuates confrontation between the two positions, rather than promoting conflict resolution. Divesting powers between the two exacerbated what little cooperation and compromise

¹³⁴ Harasymiw, *Post-Communist Ukraine*, 339–340.

¹³⁵ Diuk, "Sovereignty and Uncertainty in Ukraine," 63.; Menon and Rumer, *Conflict in Ukraine*, 30.

¹³⁶ Diuk, "Sovereignty and Uncertainty in Ukraine," 61.

¹³⁷ Fisun, "Ukrainian Constitutional Politics," 113–114.

¹³⁸ Ibid.

remained from the old system, continued legislative stagnation, and failed to alter the status quo.

The effect of the 2004 changes played out in the failures of the president and prime minister following the Orange Revolution. Known as the Orange Coalition or Orange Government, members part of the revolution banded together in an effort to end the corrupt and paralyzed practices of previous governments. However, the division of power between president and prime minister ended the Orange Government, too. In 2008, President Viktor Yushchenko gave Prime Minister Yulia Tymoshenko the mandate to fight corruption and fix the economy, at the same time, however, opposing her at every turn. According to Anders Åslund, Tymoshenko wanted to pursue an aggressive campaign on the privatization of businesses, with “19 big state-owned companies” in her sights; at the same time, she wanted to spend the revenues from privatizing “on compensation for savings that had been inflated away in the early 1990s.”¹³⁹ Tymoshenko was well within her mandate to clean up corruption and fix the economy, in addition to assisting the Ukrainian people directly. Ultimately, Yushchenko opposed her at every turn by signing a number of decrees that prohibited all discussed privatization deals.¹⁴⁰

Aside from challenging Tymoshenko for the very thing asked of her, the president also appointed positions that specifically countered Tymoshenko’s influence. Way describes how “days after Tymoshenko became prime minister, [Petro] Poroshenko was appointed as the head of the powerful National Security and Defense Council to combat Tymoshenko’s influence—an appointment that contributed to ‘intense competition for power’ within the new Orange government.”¹⁴¹ Thus, the Orange Constitution failed to create incentives to cooperate by divesting power further between the two positions, and perpetuated the problems of past governments.

¹³⁹ Åslund, *How Ukraine Became a Market Economy and Democracy*, 223–224.

¹⁴⁰ Ibid.

¹⁴¹ Way, *Pluralism by Default*, 74.

Recently, Ukraine experienced another leadership turnover, as Prime Minister Arseniy Yatsenyuk announced his resignation in April 2016 out of frustration that the government was not doing enough.¹⁴² Other reporting indicates that President Poroshenko solicited Yatsenyuk's resignation over a loss of confidence in his coalition's ability to implement reforms.¹⁴³ Yatsenyuk's resignation is another example of a premier that wielded little power, and yet is expected to implement policy while pleasing very different masters: the president and Parliament. Disagreements over policy, and sometimes personal feuds, drive premier turnover. This does little to improve Ukraine's norms and behavior as a democracy, particularly when so frequent. When elites disagree, compromise is often cast aside in favor of resignation and replacement. Hardly a democratic process, high turnover keeps Ukrainian politics in a reoccurring state of crisis and stagnation. Nonetheless, Yatsenyuk's resignation exemplifies the problematic dynamic between the two positions.

In addition, prior to Yatsenyuk's resignation, President Petro Poroshenko fought with the prime minister and Parliament over divisions of power and reform. Poroshenko and Parliament disagreed over critical appointments, the authority to declare a state of emergency, the decentralization of the state, and various other political and economic reforms shortly after taking office in 2014.¹⁴⁴ This shows that as the president, prime minister, and Parliament continue jockeying for authority and power, reform progress stalls.

Ultimately, adding both the president and prime minister positions in the constitution failed to achieve the best of both worlds; rather, it added yet another layer of complexity to the governance equation. Inadequately defining the roles and responsibilities in the constitution perpetuates infighting for power plays between the two positions. Affecting every administration since independence, Ukraine has observed 18

¹⁴² "Ukraine's Prime Minister Arseniy Yatsenyuk to resign," *BBC*, modified April 10, 2016, <http://www.bbc.com/news/world-europe-36010511>.

¹⁴³ "Ukraine Crisis: Poroshenko Asks PM Yatsenyuk to Resign," *BBC*, modified February 16, 2016, <http://www.bbc.com/news/world-europe-35585651>.

¹⁴⁴ Wilson, *Ukraine Crisis: What it Means for the West*, 154.

different prime ministers in the last 25 years.¹⁴⁵ This dynamic clearly fails to create incentives to cooperate. Ultimately, these two positions contaminate each other. The weakness of this relationship undermines public credibility, runs counter to democratic governance, and creates vulnerabilities for expanded executive authority to achieve progress. The constitutional design contributes to infighting and expanding executive authority, thus creating autocratic tendencies found in hybrid and authoritarian governments.

F. CENTRALIZED JUDICIARY—SOVIET LEGACY LIVES ON

Along with the battle for power between the president and prime minister, Ukraine's judiciary has a long history of reliance on the executive branch that carries over from the Soviet era. The inability to reform judicial institutions into an independent law enforcing body influenced accountability and the makeup of Ukrainian politics for decades. According to Åslund, "one of Ukraine's greatest failures has been reform of its judiciary, which is corrupt and in a state of disarray... at present, judges depend on the executive for financing and appointments."¹⁴⁶ Consequently, the lack of an independent judiciary hinders norms and practices consistent with developed democracies, encourages corruption and authoritarianism, and creates an asymmetric system that is influenced by the parties in power.

Theory explains that an independent judiciary provides a crucial check and balance against the other branches of government. Judges that uphold written laws and are free from influence of other government branches reinforce confidence in the system. In contrast, a judicial system that subverts laws and rules is vulnerable to corruption, human rights abuses, and degrading legitimacy of the government found in authoritarian regimes. A judiciary that exists only to support the party in power undermines democratic development and remains vulnerable to authoritarian overreach.

Failing to overhaul the judiciary during the critical transition from authoritarian to democratic rule leaves vulnerabilities for perpetuating old authoritarian ways of business.

¹⁴⁵ Kuzio, *Ukraine: Democratization, Corruption, and the new Russian Imperialism*, 292.

¹⁴⁶ Åslund, *How Ukraine Became a Market Economy and Democracy*, 245.

Thus, a pillar of opposition contestation becomes skewed. Hybrid judicial systems are independent on paper, may possess independent judges, but often allow overreach and influence from the other branches of government. The executive and legislative arms may dictate rulings through coercive and co-optive mechanisms for favorable rulings to the party in power. However, at the same time, the possibility remains for opposition contestation through truly independent judges that are willing to go against the grain of authoritarian influence. The hybrid judiciary stems from the failure to purge the old system during the critical transition towards democracy, this is the case observed in Ukraine.

The problem, as with most of Ukraine's shortcomings following independence, began when the government failed to implement judicial reform right away. Rolling over the communist system into an independent nation-state kept the system weak and vulnerable to exploitation. Soviet-era government controls persisted in the new system, with the executive branch able to directly influence judicial proceedings. The Ukrainian judiciary existed to support the parties in power, rather than to promote and defend the rule of law.

As a consequence of a centralized judiciary, the executive maintained numerous levers of control including limiting judicial pay and threatening job loss for unfavorable rulings. A 2003 Bertelsmann Transformation Index (BTI) report noted that judicial wages remained low.¹⁴⁷ Failing to appropriately pay judges opens the door to executive manipulation for rulings favorable to the party in power. As an example, a constitutional court judge discovered accepting a US\$12 million bribe for a ruling, was fired by Yushchenko, but later reinstated by then Prime Minister Viktor Yanukovich.¹⁴⁸ Additionally, pressure and coercion is used against judges to instill fear of job loss if they fell out of line. Maria Popova explains how under Yanukovich, while the Euromaidan was unfolding in 2014, a judge resigned and stated publicly that “any judge who stepped

¹⁴⁷ Bertelsmann Transformation Index (BTI), “Bertelsmann Transformation Index 2003: Ukraine,” 5, https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2003/pdf/BTI_2003_Ukraine.pdf.

¹⁴⁸ Åslund, *How Ukraine Became a Market Economy and Democracy*, 219.

out of line could be fired within four hours” if they defied Yanukovych.¹⁴⁹ For the courts in Ukraine, politics is king and to not follow the party line carries high consequences.

As a result of subjugating the judiciary to the executive, it has become a tool for the selective political punishment, the imprisonment of journalists, protestors, or political opponents is often granted on flimsy grounds. Notably, the jailing of main opposition candidate Yulia Tymoshenko by the Yanukovych regime in 2011 demonstrated how political the judiciary is. Shortly after being elected, a member of the Rada opened an investigation against Tymoshenko over the abuse of power during 2009 gas contract negotiations with Russia.¹⁵⁰ The timing and method of the trial inquiry reflects that it was politically motivated.¹⁵¹ Separately, the regime appointed a judge that was too young and unqualified to carry the case. Popova explains that Judge Rodion Kireev, who was born in 1980 (34 years old at the time), “barely had two years of experience and was still in his probationary period... when he was selected to hear the most salient criminal case in the nation.”¹⁵² This young judge had his entire future career riding on the handling of Tymoshenko’s case. The level of pressure, along with a historical training pipeline that mentored judges on the informal means of the law, made Judge Kireev easily susceptible to executive influence.¹⁵³ Tymoshenko’s trial and subsequent sentencing represent the weakness in Ukraine’s judiciary system that acts as a tool for political oppression, similar to those found in autocratic states.

Aside from political persecutions, the judicial system is also used as a tool to protect those loyal to the party in power. According to Kuzio, Ukraine’s judiciary system is so inept in actually prosecuting individuals loyal to the regime that the Prosecutor-General under Yushchenko’s government admitted “we have no achievements, not a

¹⁴⁹ Maria Popova, “Ukraine’s Politicized Courts,” in *Beyond the Euromaidan: Comparative Perspectives on Advancing Reform in Ukraine*, eds. Henry E. Hale and Robert W. Orttung (Stanford: Stanford University Press, 2016), 149.

¹⁵⁰ *Ibid.*, 146–147.

¹⁵¹ *Ibid.*, 146.

¹⁵² *Ibid.*, 146–147.

¹⁵³ *Ibid.*, 150.

single person has been brought to criminal responsibility.”¹⁵⁴ This problem continues to carry through to present times, as Kuzio later writes “there have been no fundamental reforms of the prosecutor-general’s office since the Euromaidan, and... President Poroshenko has appointed three incompetent and corrupt prosecutor-generals, Vitaliy Yarema, Viktor Shokin, and Yuriy Lutsenko.”¹⁵⁵ Furthermore, Poroshenko repeatedly defends the Russian gas lobby and oligarch Dmytro Firtash, who backed Poroshenko’s presidential bid, even as the international community sought his deportation in 2014.¹⁵⁶ While more is discussed in later chapters, the judiciary continues to avoid prosecuting loyal elites, and is built to support the party in power vice promote accountability.

Current reforms for the system look promising on paper but have yet to achieve results. Constitutional changes to the judiciary passed in June 2016 call for the creation of a new Supreme Court.¹⁵⁷ Though this legislation was recently approved, it has yet to move to the implementation phase.¹⁵⁸ Establishing a truly independent court system would represent a step forward for Ukraine, but if this new court is stacked full of judges who have experience in the old system or are educated in the old way of business, achieving true change will remain a distant reality. Additionally, government attempts at reforming the judicial system fail to address the root of the problem, and appear as appeasements to the international community for greater concessions, such as International Monetary Fund (IMF) loans or deals with the EU.¹⁵⁹ The reforms, like previous ones, look good on paper. However, the reforms typically lack the

¹⁵⁴ Kuzio, “Political Culture and Democracy,” 97–98.

¹⁵⁵ Taras Kuzio, “Ukraine’s Other War: The Rule of Law and Siloviky After the Euromaidan Revolution,” in *The Journal of Slavic Military Studies* 29, no. 4 (2016): 683, <http://dx.doi.org/10.1080/13518046.2016.1232556>.

¹⁵⁶ Taras Kuzio, “Oligarchs, the Partial Reform Equilibrium, and the Euromaidan Revolution,” in *Beyond the Euromaidan: Comparative Perspectives on Advancing Reform in Ukraine*, eds. Henry E. Hale and Robert W. Orttung (Stanford: Stanford University Press, 2016), 188.

¹⁵⁷ European Commission, “Joint Staff Working Document: Association Implementation Report on Ukraine,” European Commission: High Representative of the Union for Foreign Affairs and Security Policy, September 12, 2016, 7–8, https://eeas.europa.eu/headquarters/headquarters-homepage_en/17061/Association%20Implementation%20Report%20on%20Ukraine.

¹⁵⁸ Ibid.

¹⁵⁹ Kuzio, “Ukraine’s Other War,” 695.

implementation mechanisms to bring about meaningful change and are not indicative of a consolidated democracy.

Nonetheless, Ukrainian courts have been and remain highly politicized vehicles for executive and elite interests. The courts maintain a long history of failing to adequately uphold the rule of law or benefiting the people of Ukraine. Government influence over the judiciary makes it far from an independent branch. The failure to prosecute corrupt officials while jailing opposition voices is a trademark relic of the Soviet era and authoritarianism. Hardly democratic in nature, subverting the rule of law allows authoritarian overreach and illiberal practices to become entrenched as business as usual. With such a weak judiciary, the enforcement of election laws and punishing fraudulent activity proved elusive.

G. THE ELECTORAL SYSTEM: IMPROVED, YET VULNERABLE

Underneath the institutional shortcomings previously discussed, flaws in the electoral system undermine democracy, and create a skewed arena advantageous to few that is found in hybrid regimes. Ukraine's electoral system, while improved, continues to create an asymmetric playing field advantageous to oligarchs and elites that are well connected and financed. Following a brief description of Ukrainian elections and what consolidation theory tells us about elections, this section will first analyze the impact of campaign finance laws on the institution. Second, changing incentives for election fraud reveals how widespread the practice is, and how election fraud continues to impact Ukrainian elections. As a result, though improvements to the system make Ukrainian elections more inclusive and intuitive than the past, overall, the system retains sufficient barriers to entry and practices to de-level the playing field in favor of elites found in hybrid regimes. While not completely designed to legitimize the party in power, a fundamental pillar of Ukrainian democracy, elections, remains flawed and advantageous to elite interests.

A strong democracy hinges on elections that are free, inclusive, and promotes a level playing field for all participants. Elections provide the mechanism of vertical accountability from the public that is safeguarded by the secrecy of their ballot. Laws are

crafted in a manner that promotes inclusiveness, transparency, ease of voting, and deters fraudulent activity. Elections fail to meet democratic standards when they incentivize fraud, create barriers to entry or participation, and exist only to defend the party in power.

Under hybrid rule, electoral institutions are created in a manner that remains competitive to a degree, though the environment is deliberately skewed towards elites and the party in power. As a result, elections in hybrid regimes are not truly free and fair. Stemming from the failure to design rules and procedures during the transition period that promote free and fair voting, authoritarian practices and rules can persist. However, that being said, hybrid regimes also allow the chance for opposition victories and reform that can change the rules and practices toward democracy. This creates a tension between autocratic and democratic elements, stemming from a failure to clearly and quickly define an electoral institution and process that promotes free and fair elections from the beginning.

Currently, Ukraine holds elections for parliamentary and presidential positions. Public officials are elected to five year terms via a popular vote across Ukraine's 27 regions.¹⁶⁰ Ukraine does not elect regional government positions, such as governors, who are appointed by the president.¹⁶¹ Suffrage is universal, with citizens over the age of 18 remaining eligible to vote, including women and minorities.¹⁶² Though Ukrainian elections seem normal on the surface, problems relating to campaign finance and electoral fraud continually undermine the fairness of the institution.

The most problematic area for Ukrainian elections is that of campaign finance, and the mixing of money and politics that deliberately manipulates the playing field in favor of elites. Ukrainian finance laws evolved from virtually no limits on contributions

¹⁶⁰ OSCE, ODIHR "Ukraine Early Parliamentary Elections 26 October 2014 OSCE/ODIHR Election Observation Mission Final Report," 6.; Organization for Security and Cooperation in Europe (OSCE), Office for Democratic Institutions and Human Rights (ODIHR), "Ukraine Early Presidential Election 25 May 2014 OSCE/ODIHR Election Observation Mission Final Report," modified June 30, 2014, 6, <http://www.osce.org/odihr/elections/ukraine/120549>.

¹⁶¹ BTI, "Bertelsmann Transformation Index 2003: Ukraine," 2.; Diuk, "Sovereignty and Uncertainty in Ukraine," 61.

¹⁶² Inter-Parliamentary Union, "Ukraine: Verkhovna Rada (Parliament)," accessed March 27, 2017, http://www.ipu.org/parline-e/reports/2331_B.htm.

in the 1990s, to limits on citizen contributions and unlimited party donations during the 2000s, to a similar construct after the Euromaidan in addition to requiring donation processing through direct bank transfer.¹⁶³ The limitations imposed in law are generally so small that they incentivize off the record contributions. In the 1990s, donation limits were as low as US\$200 for private citizens.¹⁶⁴ Since then, individual donation limits increased to ~US\$40,000 by 2010, but again with unlimited contributions from political parties.¹⁶⁵ Unlimited political party donations steer elections in favor of elite interests. Opposition victories remain possible, but only to those well-connected.

The amount of money spent in Ukrainian elections is massive, and undermines the prospects for nonpartisan candidate participation. Viktor Yanukovich's 2004 presidential bid is one such example of the colossal amount of wealth spent. According to Åslund, the "Yanukovich campaign planned to spend US\$600 million, half of which was to come from Russian enterprises... and half from Ukrainian oligarchs... this was more than 1 percent of Ukraine's Gross Domestic Product (GDP) in 2004... [and] even larger amounts have been alleged."¹⁶⁶ Though Yanukovich lost the election, his financial backing and network through the regime ensured his message dominated the scene, and drowned out other smaller candidates. According to Kuzio, this level of spending equates to more than 2,000 times that spent on a U.S. election, and most "candidates spend three times more than they officially declare."¹⁶⁷ The wedlock between oligarchs and elections creates a high barrier to entry for anyone not in favor with them. Even Ukraine's current president, Petro Poroshenko, had financial backing for his presidential bid in 2014 through oligarch Dmytro Firtash.¹⁶⁸ Revisionist candidates that seek to alter the

¹⁶³ OSCE, ODIHR, "Republic of Ukraine: Parliamentary Elections 29 March 1998," 16.; OSCE, "Ukraine: Presidential Election 17 January and 7 February 2010," 14.; OSCE, "Ukraine: Early Parliamentary Elections 26 October 2014," 18.; Yearly Average Currency Exchange Rates, Internal Revenue Service (IRS), modified February 03, 2017, <https://www.irs.gov/individuals/international-taxpayers/yearly-average-currency-exchange-rates>.

¹⁶⁴ Kuzio, *Ukraine Under Kuchma*, 12.

¹⁶⁵ OSCE, ODIHR, "Ukraine: Presidential Election 17 January and 7 February 2010," 14.

¹⁶⁶ Åslund, *How Ukraine Became a Market Economy and Democracy*, 180.

¹⁶⁷ Kuzio, *Ukraine: Democratization, Corruption, and the New Russia Imperialism*, 174.

¹⁶⁸ Ibid.

oligarchic status quo face an uphill battle for victory without their network and financial support. This system ensures elites have a large say in who is elected.

In addition, Ukrainian elections have a long history of associated election fraud. Efforts to combat the most egregious and overt fraud from the Kuchma era drives modern fraud activity to covert tactics that are more difficult to detect. Committing violence against political opponents, stuffing ballot boxes with millions of pro-regime ballots, destroying opponent ballots with acid, manipulating exit polls, and bribing voters with back paying state wage arrears represent the height of Leonid Kuchma's tools for controlling the polls.¹⁶⁹ With a weak judicial and law enforcement body, and immunity laws for members of Parliament, elites could manipulate away and face little risk of political blowback or punishment.

As international attention against fraud in Ukraine grew, and election monitor training improved, the risks for committing such overt fraud exceeded the gains and drove fraud toward less detectable tactics. The 2004 Orange Revolution demonstrated the consequences and risks associated with traditional fraudulent activity. As a result, the regime and majority of political parties opted for less overt tactics, utilizing fake parties and candidates (clones with similar last names) to distract voters.¹⁷⁰ The use of clone candidates and covert tactics is equally damaging as that of overt means. During the 2012 parliamentary elections, for example, clone candidates were present in 32 out of 255 SMD races, in addition to fake parties for PR races.¹⁷¹ This covert fraud distracts voters from real candidates, and pulls voters away from main opposition challengers. Ultimately, the practice worked as at least 63 seats in the Rada were directly affected by this type of fraud.¹⁷²

While all elections have some level of fraudulent activity, the pervasiveness and persistence of fraud in Ukraine is what sets it apart from other nations. The decrease in

¹⁶⁹ Kubicek, "The Limits of Electoral Democracy in Ukraine," 123–124; Bunce and Wolchik, *Defeating Authoritarian Leaders in Postcommunist Countries*, 118.; Budhan Harasymiw, "Policing, Democratization and Political Leadership in Postcommunist Ukraine," 333.; *Orange Revolution*, DVD.

¹⁷⁰ Kovalov, "Electoral Manipulations and Fraud in Parliamentary Elections," 781–782.

¹⁷¹ *Ibid.*, 787–788, 790–791.

¹⁷² *Ibid.*, 800.

overt fraud, while welcomed, is negated by the continuation of covert tactics. Incentives to cheat remain high in Ukraine, but have shifted as the penalties between overt and covert fraud are different. As the 2004 Orange Revolution demonstrated, for overt fraud, the prying eye and condemnation by the public decreased the incentives for this type of fraud, though elites may face little legal penalty (as previously discussed, Ukrainian courts are generally corrupt). At the same time, less detectable methods of fraud continue. The international community has insufficient means to detect and prevent fake candidates and parties from participation. Thus, the incentives to continue this type of fraud, along with the risk of being caught and facing the public, remain lower than overt fraud. Thus, the potential for widespread fraudulent manipulation by an overzealous leader, either overtly or covertly, remains possible in Ukraine. The persistence of fraudulent activity undermines the credibility of the electoral process, and distorts a level playing field for all members. The continuation of fraud necessitates that other candidates commit fraud in order to remain viable in the race. Thus, the anti-democratic fraudulent cycle is self-reinforcing.

Though problems associated with campaign finance and election fraud persist, there are some notable improvements in the system. Registration for political candidates has become more streamlined and inclusive. In the past, candidates had to jump through numerous hoops and obtain a large amount of signatures across the country in order to be eligible for public office.¹⁷³ The old process was cumbersome and not all candidates had an equal chance at meeting the requirements, which created unnecessarily high barriers to entry. Today, the process is more inclusive. The Organization for Security and Cooperation in Europe (OSCE) reports indicate that current candidates must provide biographical information, tax and income documents, as well as a small fee; further, it appears that Ukraine no longer requires a set of signatures from across the country.¹⁷⁴

¹⁷³ Kuzio, *Ukraine Under Kuchma*, 15.

¹⁷⁴ Organization for Security and Cooperation in Europe (OSCE), Office for Democratic Institutions and Human Rights (ODIHR), "Ukraine Parliamentary Elections 28 October 2012 OSCE/ODIHR Election Observation Mission Final Report," modified January 3, 2012, pg. 13, <http://www.osce.org/odihr/98578>; OSCE, ODIHR, "Ukraine Early Presidential Election 25 May 2014 OSCE/ODIHR Election Observation Mission Final Report," 15–16.

These changes are a notable step forward, as reducing the requirements for entry makes the process more inclusive and allows for a more diverse cadre of candidates.

In addition to the registration process, switching to a positive voting method has improved the voting process and reduced the number of invalid ballots. Throughout most of the 1990s, Ukrainians followed the cumbersome and confusing negative voting method. According to Kuzio, “voters were asked to cross out every candidate they did not want, leaving unmarked the single candidate of their choice. [However,] if the ballot was incorrectly filled out it was declared invalid.”¹⁷⁵ This method of voting was designed to encourage human error, causing even the slightest mistake to deem the ballot invalid. Fortunately, by 1998 Ukraine switched the process to a positive voting method. Voters now mark the single candidate they want to see in office.¹⁷⁶ Switching to a positive voting method reduced the number of invalid ballots, improved voter confidence, and benefited the electoral system overall.

These procedural improvements, however, fail to counter the influence wealthy elites play at dictating who is most likely to succeed in an election. Unlimited political party contributions and limited personal contributions have created incentives for off the books payments, and colossal amounts of money to be spent in Ukrainian elections. This amount of money creates barriers to victory for those who are less connected or out of favor with wealthy oligarchs. While opposition victories are possible in Ukraine, the likelihood of success without oligarch support is an immensely difficult challenge. The system remains asymmetrically skewed in favor of elite preferences. While the population elects a winner, the field of candidates is narrowed by those with ties to oligarchs and elites. In addition, the persistence of election fraud over the years, from overt to covert tactics, perpetuates a corrupt electoral system. It is not so much that Ukraine has fraud in its elections, but rather that fraud has become commonplace in some form or another. Candidates that commit fraud reinforce the need for other candidates to do the same in order to maintain a viable shot at victory. While not entirely designed to confirm the party in power found in electoral authoritarian regimes, Ukraine’s electoral

¹⁷⁵ Kuzio, *Ukraine Under Kuchma*, 13.

¹⁷⁶ OSCE, ODIHR, “Republic of Ukraine: Parliamentary Elections 29 March 1998,” 12.

system is designed to skew the playing field in favor of elite interests with additional hurdles for opposition victory.

H. CONCLUSION

Ukraine's political institutions continue to benefit elites, promote infighting and fragmentation, encourage authoritarian overreach through a strong executive, and undermine democracy. Over 25 years, Ukraine observed drastic shifts in political institutions and electoral practices that prevented consistency and undermined good governance. Choices prior to independence to work within the old Soviet institutions rather than starting with a blank slate allowed Soviet influence to pervade Ukrainian institutions during the critical years of transition. The persistent communist elite influence, even during the formal Communist Party ban, hindered crucial reforms as old elites and nationalists had two very different visions for Ukraine's future.

Consequently, a parliamentary structure was created that promotes fragmentation and deadlock. Political parties fail to serve public interest and are often a mechanism for self-enrichment. Lacking an imperative mandate for many years allowed decision making based on self-interest to become entrenched and has proven difficult to change. Other laws surrounding the Ukrainian Parliament continue protecting elites from prosecution, allowing corrupt practices to flourish. Scholars recommend switching to a full proportional representation government and eliminating the shield of immunity laws in order to change the incentives for accountability, cooperation, and coalition building within the Verkhovna Rada.¹⁷⁷ Currently, these changes do not exist and Parliament is failing to act as a strong democratic institution.

Additionally, the relationship and vague definition of powers between president and prime minister outlined in the constitution create a recipe for continued confrontation. Continuous infighting over the division of powers has plagued every administration. Attempts to dilute the power between the two positions failed to solve the

¹⁷⁷ Kovalov, "Electoral Manipulations and Fraud in Parliamentary Elections," 801–802.; Åslund, *How Ukraine Became a Market Economy and Democracy*, 8.; Kuzio, "Political Culture and Democracy: Ukraine as an Immobile State," 98.; Kuzio, *Ukraine: Democratization, Corruption, and the New Russian Imperialism*, 357.

problem and resulted in continued legislative stagnation. The combative relationship established incentives that promotes the resignation and dismissal of prime ministers over cooperation, which is an impediment to democratic development. Additionally, this relationship opens the door for stronger executive power that leads to greater authoritarianism, as observed with the Kuchma and Yanukovych regimes.

Also, the judiciary system in Ukraine remains a relic from the Soviet era. Carried over intact from the days of communism, the Ukrainian judicial system for most of its existence has been an extension of the party in power. Judges are taught the informal relationship between judiciary and executive early in their careers. The judicial system is used to prosecute opposition elements, such as the jailing of Yulia Tymoshenko, or as a mechanism to protect those loyal to the party in power. Recent efforts to reform the judiciary appear promising on paper, but as with past efforts, continue to lack the necessary enforcement mechanisms to carry out their duties as a truly independent branch of government. The hybrid system leaves a constant tension between judges and law enforcement officials that seek to continue favor with the party in power, and those that decide to act independently within democratic norms.

Lastly, Ukraine's electoral process has improved over the years, with some aspects becoming more inclusive and intuitive. However, significant hurdles and barriers to participation remain. Registration requirements have become more streamlined and less burdensome, reducing barriers to entry for candidates. At the same time, changes to voting practices improve voter confidence, and reduce the number of rejected ballots. While these are notable successes, continued shortcomings with campaign finance laws and election fraud hinder additional progress within this institution. Massive campaign donations from the well-connected oligarchs, as well as the persistence of electoral fraud, pollute Ukrainian elections in favor of elite preferences. As it stands, for all Ukraine's improvements over the years, the electoral institution continues creating an un-level playing field advantageous to elites with extensive resources found in hybrid regimes.

Ultimately, shortcomings in leadership choice prior to and immediately following independence established flawed structures and procedures. The flaws that promote self-interest over public interest have become deeply entrenched. Ukrainian institutions and

practices fail to serve everyday Ukrainians. President and prime minister conflict with each other, and parliamentary structure promotes weakness and fragmentation that prevents successful reform and meaningful legislation. In addition, the parliamentary makeup creates incentives for fraud and cheating. The judiciary has a history of dependence on the executive. The electoral system, though improved, maintains an extensive history of exploitation and remains vulnerable to future manipulation. Given the historical precedent and current events, the future does not look good for Ukraine's ability to consolidate into a strong democracy. The long shadow of a Soviet conscience and shortcomings of the recent past continue to influence current Ukrainian politics toward hybrid governance.

Just how corrupt is the Ukrainian government? How far does it stretch? Does corruption impact only elites, or every day citizens? Why has the population been unable to stop this epidemic? The next chapter illustrates the pervasiveness of corruption in Ukraine, how it effects every level of society, and how it proves extremely difficult to eradicate. In addition, it illustrate how civil society, for a quarter of a century, failed to build robust bridges between citizens and politicians. This weakness allowed for the expansion of executive powers under the Kuchma and Yanukovich regimes. However, as observed with multiple political revolutions, civil society in Ukraine remains able to mobilize during times of crisis in order to prevent full authoritarian consolidation. While corruption remains pervasive and erodes democracy in favor of hybrid rule, civil society at the same time prevents full blown authoritarian consolidation. These distortions are likely to continue working in tension with each other, placing boundaries on both democratic and authoritarian consolidation.

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III. RAMPANT CORRUPTION AND WEAK CIVIL SOCIETY

A. INTRODUCTION

Corruption remains a deeply entrenched problem in Ukraine that limits democracy, degrades accountability, promotes authoritarianism, and hurts the civilian population. At the same time, Ukrainian civil society remains too weak to challenge the shortcomings that makes such corruption possible. The following chapter is broken into two sections, analyzing the evolution of Ukrainian corruption and civil society. These sections are combined due to the interrelationship of accountability and civil society's role as a check and balance to government. First, examining various stories of politicians and civilians will reveal how systemic corruption is to everyday Ukrainian life, and how corrupt practices are used for self-enrichment, protection, and survival. Second, analyzing factors other than money and bribery will reveal a system with a long history of violence as a legitimate tactic to retain power and wealth. This level of accountability concerns are problematic and support expanding authoritarianism as it promotes inequality before the law. Also, promoting narrow, elite interests vice popular interest and preferences, this behavior runs counter to democratic norms.

Though corruption is a cornerstone for Ukraine's vast governmental problems, civil society remains too weak to challenge it. An analysis of Ukraine's civil society development reveals a long history of weak organizations that are great at educating and moving people into the streets. At the same time, these organizations continually lack the long-term connections between the public and government that can bring about meaningful day-to-day change. First, following independence, Ukraine observed an explosion of civic groups that failed to create bridges between public and government. Second, following the Orange Revolution in 2004, organizations failed to capitalize on the climate of change, failing to stake their claims in a new Ukrainian government, and standing by as Yanukovich built his version of authoritarianism in 2010. Third, attempting to finally build a proper bridge between public and government following the Euromaidan reveals that Ukrainian civic organizations continue to be viewed as the enemy and are repeatedly blocked by elites. Ultimately, civil society in Ukraine, though

making recent inroads, remains an incapable political force for continual, day-to-day negotiation and change. As a result, a weak civil society opens the door for greater authoritarianism as it is unable to adequately challenge the government.

B. CORRUPTION AND ACCOUNTABILITY: FROM TOP TO BOTTOM

Constitutions do not seem to matter, and might as well be written in pencil given the authorities' desire to amend them.

—Paul Kubicek¹⁷⁸

Kubicek's statement regarding Ukraine is powerful, and indicative of how most approach the country's rules and laws. Hardly democratic, Ukraine continually remains toward the bottom of numerous corruption indices, with Transparency International ranking Ukraine 142nd out of 175 nations in 2014.¹⁷⁹ A 2003 BTI report noted that "Ukraine is certainly one of the most corrupt countries in the world."¹⁸⁰ Just how far does corruption extend in Ukraine? The institutional and structural aspects that make such corruption possible were discussed in previous chapters, but this section provides examples to illustrate just how entrenched and commonplace corruption remains in Ukraine. Separately, this section reveals the extent of the politicization of both the police and the court system, turning it into an extension of the executive branch. Lastly, recent reform efforts that look good on paper maintain flaws that reflect a continued lack of elite will to fundamentally alter the system in favor of democratic rules and norms. Such deeply entrenched practices continually challenge or refute the prospect of democracy in Ukraine, as they erode public trust and confidence in the system, and actively serve self-interest vice public interest found in autocratic regimes.

Accountability is an important facet of any government, but it is especially crucial for democracies. Upholding the law adds legitimacy to the government as it reflects

¹⁷⁸ Kubicek, "The Limits of Electoral Democracy in Ukraine," 137.

¹⁷⁹ Paul D'Anieri, "Establishing Ukraine's Fourth Republic: Reform after Revolution," in *Beyond the Euromaidan: Comparative Perspectives on Advancing Reform in Ukraine*, eds. Henry E. Hale and Robert W. Ortung (Stanford: Stanford University Press, 2016), 4.

¹⁸⁰ BTI, "Bertelsmann Transformation Index 2003: Ukraine," 16.

adhering to the preferences of the governed. In contrast, subverting or failing to adhere to written laws undermines the government in the eyes of the people. The inability to hold leaders accountable to written laws can lead to increasing corruption and human rights abuses. Upholding written laws ensures citizens feel protected, are able to voice their concerns, and avoid living in fear of unnecessary or extrajudicial attention. At the same time, upholding laws ensures criminals are punished, regardless of stature (politician or citizen), as everyone is equal before the law. Failure to follow the law, or bending and subverting it to serve a political purpose, undermines government and leads to inconsistent persecutions. Adherence to the law, and maintaining a principle of accountability, is critical to democratic consolidation.

Nearly all governments have some level of corruption, even if small in number and severity. Kudelia describes a difference between petty and grand corruption, in reference to Ukraine's deeply entrenched corruption problem.¹⁸¹ A problem emerges when corrupt practices become a norm, widespread, and continue unabated by the other institutions within the government, such as the courts. Thus, there is a difference between petty and grand corruption, and Ukraine has a grand corruption problem due to weak institutions and rule of law. This level of corruption plays out through the abuse of positions for wealth and political power.

1. Advancing Wealth and Political Power Over Public Good

Numerous politicians use their positions to aggrandize wealth and power. An analysis of various cases reveals the extent of corruption in Ukraine and how nearly every modern president uses their position for self-enrichment vice public good. Corruption and circumventing the rule of law are staples of Ukrainian politics, from well-connected oligarchs and politicians down to the average citizen.

Grand corruption has proven a systemic problem for Ukrainian politicians. Rinat Akhmetov, discussed in the previous chapter, is one such example of using their position to acquire wealth, power, and protection, and Pavlo Lazarenko is another example. Lazarenko served as prime minister from 1996–1997, and used his position to cut deals

¹⁸¹ Kudelia, "Corruption in Ukraine," 62.

with elites in the gas and energy industry. Under Lazarenko's premiership United Energy Systems' (UES) (a state-owned energy company) profits soared from US\$1.5 billion to US\$3 billion within one year: Lazarenko received roughly US\$72 million in kickbacks from regulators he managed within the company.¹⁸² Representing the tip of the iceberg, Akhmetov and Lazarenko are not alone, with nearly every modern Ukrainian president tied to corrupt practices, wealth and the oligarchs. The disposed President Viktor Yanukovich was the most egregious, amassing a monumental US\$100 billion from and for his loyal political network through a patron-client scheme.¹⁸³ Activity such as this is problematic as it demonstrates that politicians care more about advancing their own interests, vice those of the state, a quality found in authoritarian regimes. The same can be said for political corruption.

Aside from financial advancement, politicians use their positions to protect the corrupt system, oust reformers, and maintain power. In 2000, when Prime Minister Yushchenko implemented economic reforms that directly threatened oligarchs' power and wealth to improve the overall economy, Kuchma fired Yushchenko in order to protect the system.¹⁸⁴ Parliament supported his ouster 263 to 69.¹⁸⁵ The president and Parliament shared incentives to remove Yushchenko as his economic reforms threatened elite power. As a result, the entire organization teamed up against Yushchenko. Kuchma and Parliament's actions went beyond public good, but rather they were more about self-interest and preservation. The ability to shore-up and protect power contradict the ideals of accountability, as laws, institutions and documents, including the Constitution, are meant to constrain elected official behavior. Ridding Yushchenko because he was successful at turning the economy around, challenging the oligarchs, and more popular than the president indicate the level of behavior found in un-democratic regimes as a means to preserve elements or all of the system.

¹⁸² Menon and Rumer, *Conflict in Ukraine*, 31.; Wilson, *The Ukrainians Unexpected Nation*, 265.

¹⁸³ Wilson, *Ukraine Crisis: What it Means for the West*, 53.; Kuzio, *Ukraine: Democratization, Corruption, and the New Russian Imperialism*, 423.

¹⁸⁴ Menon and Rumer, *Conflict in Ukraine*, 30.

¹⁸⁵ Diuk, "Sovereignty and Uncertainty in Ukraine," 63.

Today, the protection of political power and wealth continues, as Ukraine's current president, Petro Poroshenko, is far from clean. Poroshenko, referred to as the "chocolate king," amassed a net worth of US\$350 million by the early 2000s through his businesses, including the Channel 5 television station, a shipyard, and his confectionary business, Roshen.¹⁸⁶ Additionally, Poroshenko continually protects the interests of the pro-Russian gas lobby and loyal elites.¹⁸⁷ Poroshenko's ties with the gas lobby and oligarchs run deep as they helped finance his 2014 presidential campaign.¹⁸⁸ Åslund explains how many feared in the early 2000s that Poroshenko would use his government position to slowly "claw back" his fortunes after a large chunk was lost during the Kuchma era.¹⁸⁹ Is this foreshadowing concern for the present situation with a Poroshenko presidency? Currently, he does not appear to be charging forward on all of the crucial and tough reforms necessary for the country that fundamentally alter how oligarchs and elites play the game.

As previously mentioned, subverting the laws on the books to protect those loyal runs counter to democracy. If individuals break the law, they are criminals and should be held accountable. Failing to uphold these values of governance perpetuates the failure of the system and undermines its legitimacy to the governed. Again, this type of behavior is pervasively problematic in Ukrainian politics. Nepotism and cronyism occur in many governments, yet the broad extent that it occurs in Ukraine makes it a problem and in line with hybrid rule. Hybrid and authoritarian regimes subvert and twist the laws in their favor when the opportunity presents itself, whereas strong democracies more often than not uphold the law.

Setting a precedent, elite corruption trickled down to lower level state employees and citizens, and became a way of life in Ukraine. According to Sharon Wolchik and Volodymyr Zviglyanich, "to do business [in Ukraine], one may have to pay as many as

¹⁸⁶ Wilson, *The Ukrainians Unexpected Nation*, 316, 327.; Anders Åslund and Michael McFaul, *Revolution in Orange: The Origins of Ukraine's Democratic Breakthrough* (Washington, DC: Carnegie Endowment for International Peace, 2006), 112.

¹⁸⁷ Kuzio, "Oligarchs, the Partial Reform Equilibrium, and the Euromaidan Revolution," 188.

¹⁸⁸ Kuzio, *Ukraine: Democratization, Corruption, and the New Russian Imperialism*, 174.

¹⁸⁹ Åslund, *How Ukraine Became a Market Economy and Democracy*, 203.

fifty bribes just for electricity, land, water, and police cooperation.”¹⁹⁰ In one example, a truck driver moving Christmas goods across the Poland and Ukrainian border in time for peak sales was stopped by a border guard seeking bribes for speedy inspections and crossing.¹⁹¹ Corruption as widespread as in Ukraine is problematic for democratic progress. As accountability problems extend through all ranks of society and become acceptable, this practice and process become normalized. As corruption becomes normalized, breaking the trend becomes increasingly difficult as the number of those willing to push against the norm shrinks. As a result, the corrupt system perpetuates and becomes more entrenched.

Ukraine has a long history of elites who rake in millions to billions of dollars, contribute little to the public good, shield themselves with immunity laws, and seek out new methods to consolidate power. Ukraine’s leaders are far from democratic, with numerous politicians seeking to aggrandize wealth and power when the opportunity presents itself. While this does not mean Ukrainian lawmakers are destined for authoritarianism or enrichment, the history does indicate a system so incredibly entrenched that the temptation is extremely difficult to resist.

2. Extensive Politicization of the Law

In addition to accruing monetary and political benefits, Ukrainian elites also have a long history of selectively enforcing and subverting the law. From Kuchma to Poroshenko, leaders have operated beyond the constitution, politicized the police, failed to investigate criminals, and frequently utilized violence to achieve their goals. Far from within democratic norms and values, these practices erode confidence in the government, and are indicative of practices found in authoritarian regimes.

Also, the selective enforcement of laws undermines perceptions of the government, and creates a greater disconnect between citizens and politicians. As leaders

¹⁹⁰ Wolchik and Zviglyanich, eds., *Ukraine: The Search for a National Identity*, 256.

¹⁹¹ Anna Markovskaya, William Alex Pridemore, and Chizu Nakajima. “Laws Without Teeth: An Overview of the Problems Associated With Corruption in Ukraine.” *Crime, Law & Social Change* 39, no. 2 (2003): 196–197. <http://libproxy.nps.edu/login?url=http://search.proquest.com/docview/216173296?accountid=12702>.

continue to violate the law and go unpunished, citizens lose faith in the system and also feel no incentive to adhere to the law. This widens the divide from law and order. Failing to adhere to the laws then trickles down through all elements of society. Expecting citizens to follow the law while elites can skate by further disenchants and erodes the system from within.

Elites have long politicized the police and judicial system for personal gain and protection. Policing in Ukraine's first decade is best described by Bohdan Harasymiw: "its Soviet inheritance and lack of reformist leadership predisposes the country to a police system that is anything but democratic: corrupt, unprofessional, centralized, bureaucratic, politicized, and militarized."¹⁹² The presidential appointment of former Soviet elites to leadership positions, as well as the lack of a truly independent civilian oversight committee undermined prospects of reform, and perpetuated the old Soviet style of business in the police force.¹⁹³ In addition, the expanding size of the police force after Communism provided an increasingly larger reach for the executive arm, as the Ukrainian police force quadrupled in the first decade following independence.¹⁹⁴ A centralized police force that was also ballooning created an extension of the executive arm that was later used to harass opposition groups, journalists, and businesses. In other words, rather than using the police force as a tool for enforcing the law, the police and justice system existed as a political tool to further the executive agenda. Thus, the police were not an independent arm of enforcement, but promoted authoritarianism as they existed to protect the party in power over the public.

The problem of politicized police was not left to the first decade, as it persisted through the Euromaidan. The *Berkut* internal police force was associated with some of the worst violence during the revolution. The regime incentivized this force to harshly crack down on protestors as officers were paid extra money, upwards of US\$1,000, if they "saw action."¹⁹⁵ Thus, the police became an extension of the executive agenda to

¹⁹² Harasymiw, "Policing, Democratization and Political Leadership in Postcommunist Ukraine," 320.

¹⁹³ Ibid., 324.

¹⁹⁴ Ibid., 323.

¹⁹⁵ Wilson, *Ukraine Crisis: What it Means for the West*, 75.

end the demonstrations, rather than allow peaceful protests to continue. Providing monetary compensation from the regime for harsher crackdowns further undermined the independence of the force. Incentivizing harsh responses toward opposition protests, the police were exercising their authority to defend the regime vice protect civil liberties such as the freedom of assembly. These are qualities found in authoritarian regimes, not democracies.

Following the Euromaidan, in November 2015, the government disbanded and purged the *Berkut* force, often viewed as Yanukovych's personal army, and established an entirely new National Police Force.¹⁹⁶ While welcomed, this is still a national police force that is headed by national-level appointments. Due to the centralized nature of leadership, there still remains vulnerability to appoint cronies to the position, much like past police forces. As such, the centralized framework exists for future exploitation by the government that could undermine the independence of this new force.

Additionally, in an effort to expand greater police authorization during the Euromaidan, Parliament approved expanded anti-demonstration laws that contributed to the brutal crackdown in an effort to restrict the freedom of assembly for demonstrators. Directly degrading civil liberties, the passing of anti-demonstration laws on January 16, 2014 enhanced police capabilities and authority against lawful anti-government demonstrations by banning certain superficial criteria for demonstrations, making it easier for individuals and protestors (even peaceful) to be arrested.¹⁹⁷ In a chaotic scene, parliamentary members were raising their hands and shouting to vote, tallying all 450 members' hands in only a matter of seconds, rather than using the electronic voting method.¹⁹⁸ This voting method allowed the authorities to cook the results in their favor. The film *Winter on Fire* depicts how absurd the laws were, ranging from granting the authorities the right to shut off Internet access to arresting individuals simply for wearing a helmet or mask in a crowd.¹⁹⁹ Voting in the anti-demonstration laws, via dubious

¹⁹⁶ European Commission, "Association Implementation Report on Ukraine," 8.

¹⁹⁷ Menon and Rumer, *Conflict in Ukraine*, 80.

¹⁹⁸ *Winter on Fire*, Netflix.

¹⁹⁹ Ibid.

methods, was a deliberate attempt to subvert civil liberties and allow the police greater arrest authority.

While these laws were eventually overturned after Yanukovych fled the country, they represent a willingness of officials to directly suppress civil liberties such as the freedom of assembly and speech, which are qualities found in authoritarian regimes. At the same time, keeping the courts weak and in the government's corner allowed the Rada and president to ram these laws through the system with no review process or input from civic groups. There was no check or balance to the process, and no review by an independent court or human rights organization prior to processing the law. This indicates another authoritarian practice existing in tension with other democratic elements of Ukrainian government.

Elites have and continue to decide which laws they wish to follow. In addition, a long history of centralizing and expanding police capability presents a threat to democratic development as law enforcement is organized to support the party in power vice protect and serve the public. Furthermore, as the subversion of the law in Ukraine advances elite interests, it also provides a shield to protect others loyal to the system. Centralized courts and police forces are authoritarian in nature as they extend the executive arm, vice serve as an independent institution found in democracies.

3. No Jail for High-Level Criminals

While the courts and police are used to silence opposition, they fail to actually hold criminals accountable. Failing to prosecute high level criminals is hardly anything new to Ukrainian politics. Following the Orange Revolution in 2004, President Yushchenko bargained with the old regime, giving up his moral high ground, granting Kuchma and his cronies' immunity, and dropping key investigations involving the previous regime.²⁰⁰ Yushchenko missed a prime opportunity to change business as usual and establish a precedent for charging corrupt and ruthless officials. Rather, corrupt practices continued and became normalized. Thus, laws are not applied equally and

²⁰⁰ Wilson, *The Ukrainians Unexpected Nation*, 321–322.

become subjective based on the standing with the current administration in power, which erodes confidence and legitimacy of the system.

The problem continues as four corruption cases in 2013 were for relatively low level officials; two attorneys representing the state in bankruptcy cases, and two other village council members.²⁰¹ The Euromaidan also failed to bring change, as Poroshenko's current government fails to convict officials associated with the violent crackdown in the Euromaidan.²⁰² Failing to hold these individuals who created mass casualties of fellow citizens accountable allows popular anger to fester and reinforces the failure of the government to adhere to popular preferences.

In cases where investigations begin, the government often suspends them before a conviction is reached.²⁰³ The cases against law enforcement officials and leadership responsible for the Euromaidan violence, according to Amnesty International, are "marred by bureaucratic hurdles," in addition to deliberate efforts by the Prosecutor General to reduce his staff and the powers of the departments responsible for the Euromaidan investigation.²⁰⁴ With personal attempts to sabotage the investigation progress, the Prosecutor General's office and actions run counter to upholding the rule of law in the country and remain an effort to protect those loyal to the party in power.

One example of this protection effort includes the handling of former *Berkut* riot police investigations. After disbanding the force in 2014, other efforts to hold them accountable have proven futile. Roughly 20 *Berkut* officers were tipped off about future arrests, causing them to flee and 18 reaching Russia and Crimea.²⁰⁵ Other *Berkut* officers that lacked warning, as Kuzio notes, were placed on house arrest—which also "permits

²⁰¹ Kudelia, "Corruption in Ukraine," 65.

²⁰² Kuzio, *Ukraine: Democratization, Corruption, and the New Russian Imperialism*, 348; Amnesty International, "Amnesty International Report 2016/17," accessed February 23, 2017, 376, <https://www.amnesty.org/en/latest/research/2017/02/amnesty-international-annual-report-201617/>.

²⁰³ Peter Nasuti, "Administrative Cohesion and Anti-Corruption Reforms in Georgia and Ukraine," *Europe-Asia Studies* 68, no. 5 (2015): 859, <http://dx.doi.org/10.1080/09668136.2016.1192107>.

²⁰⁴ Amnesty International, "Amnesty International Report 2016/17," 376.

²⁰⁵ Kuzio, "Ukraine's Other War," 691.

them to go into hiding.”²⁰⁶ The old system appears to be alive and well in Ukraine, with elites and leadership circumventing the rule of law when advantageous, making back door deals, and sabotaging current investigations.

The courts remain highly politicized in Ukraine, a quality of authoritarian regimes. Elites and workers that remain loyal will protect each other. Cooperate and the system will find a way to protect or limit the damage. Abandon the system, or turn one’s back on it, and one is on their own. Hardly democratic in nature, Ukraine’s justice system is flooded with examples of failing to uphold the law equally to all. Democratic judicial systems hinge on equality before the law. A system that is unequal before the law, allowing loyal political criminals to skate by and have protection, while citizens and opposition groups receive harsh sentences, is far from independent and democratic. Degrading freedom for some, while protecting those loyal to the system, is a staple of authoritarian regimes.

4. Violence: A Centerpiece for Handling Vocal Opposition

Maintaining the judiciary and police in the government’s corner makes using violence to suppress opponents and civil liberties more likely. A regime that must coerce its population toward its policies and narratives, or remain obedient through the use of violence, is not democratic. The murder of prominent investigative journalist and founder of new site *Ukrainska Pravda* Georgy Gongadze in 2000 represents the height of a brutal campaign to suppress negative government portrayal in the news. Gongadze, who was investigating and publishing stories on government corruption, disappeared on September 16, 2000 only to be found a couple months later, decapitated and buried in a shallow grave.²⁰⁷ According to Andrew Wilson, audio recordings released during a session of Parliament in 2002 implicated Kuchma directly to Gongadze’s murder as he was heard “ordering Gongadze’s beating or kidnapping—if not his actual murder—amidst hours of

²⁰⁶ Taras Kuzio, “Analysis of Current Events: Structural Impediments to Reforms in Ukraine,” in *Demokratizatsiya: the Journal of Post-Soviet Democratization* 24, no. 2 (2016): 136, <http://libproxy.nps.edu/login?url=http://search.proquest.com/docview/1813877619?accountid=12702>.

²⁰⁷ *Orange Revolution*, DVD.

other dialogue full of obscenities, threats, corruption, and general sleaze.”²⁰⁸ For Kuchma, it became personal. In *Orange Revolution*, Gongadze’s wife, Myroslava Gongadze, explains how Georgy was investigating the regime and asking questions about corruption on live television.²⁰⁹ Myroslava adds that the regime threatened Georgy, reminding him that he was “playing a deadly game” in relation to his reporting.²¹⁰ Even though the scandal rocked the public, and contributed to the downfall of the Kuchma regime, no one was charged and the investigation stalled out. After the Orange Revolution, as mentioned earlier, part of the deal between the new and old regimes put a stop to the investigation into Gongadze’s murder. The important point of the Gongadze affair is that the regime deliberately tried to silence free speech and an unfavorable narrative.

Violence extends beyond journalists as well, impacting a host of professions and activities that challenge or question the government. Following increasing protests related to the Gongadze audio tapes, Harasymiw notes how Kuchma ordered the police to storm a tent city and “beat up unarmed demonstrators.”²¹¹ Protests occurring in Kyiv were repeatedly broken up by police and “the secret service... stepped up surveillance of protest leaders.”²¹² A 2013 joint OSCE/Civil Society report indicated roughly one million people per year are victims of unlawful internal security actions, and that roughly 84 percent of Ukrainians doubt the militia.²¹³ A government that believes it can unfairly harass and assault the public is far from democratic. Hybrid and authoritarian regimes extend their police forces as mechanisms to maintain and enforce their agenda, vice what is written in law. Human rights abuses and degradation of civil liberties are trademarks of

²⁰⁸ Wilson, *The Ukrainians Unexpected Nation*, 311.

²⁰⁹ *Orange Revolution*, DVD.

²¹⁰ Ibid.

²¹¹ Harasymiw, “Policing, Democratization and Political Leadership in Postcommunist Ukraine,” 326.

²¹² Kubicek, “The Limits of Electoral Democracy in Ukraine,” 137.

²¹³ Organization for Security and Cooperation in Europe (OSCE), All-Ukraine Independent Trade Union ‘Zakhyst Pratsi,’ “Militia VS Ukrainian People’: Report Based on Monitoring Results of Ukrainian Militia Illegal Actions (January – September 2013),” modified 2013, <https://www.osce.org/odihr/106136?download=true>.

authoritarian regimes in Ukraine, the police force is not viewed as an institution to protect and serve the people.

The experience is not a one off case of the Kuchma era, as violence against protestors reached its peak during the Euromaidan, when internal security began using live ammunition against demonstrators on February 18–20, 2014, with machine guns and rooftop snipers.²¹⁴ The decision to use live ammunition was critical to the downfall of Yanukovich's regime, stoking public anger and reinforcing opposition resolve to oust him. In total, according to *Winter on Fire*, human rights organizations indicated 125 were killed during the Euromaidan, with 1,890 injured.²¹⁵ Along with internal security, the government augmented security forces with a group of armed thugs, known as the *Titushki* (discussed later in the chapter).²¹⁶ Eventually, Parliament voted to end the bloodshed on February 20, stopping police action with a bare majority because the remainder of Parliament was absent.²¹⁷ While Parliament stopped the violence, it remains that Parliament along with the administration also voted to turn up the violence. It was only when the violence got out of hand that Parliament opted to stop it. This observation reinforces perceptions that violence has been deemed legitimate by the government as a mechanism to control the populace. The institutional shortcomings discussed in the previous chapter allow this type of behavior, and these same structural problems remain in the system today.

Condoning violence remains undemocratic as politicians become eager to use the tactic over compromise and negotiations. Compromising and negotiating with the opposition threatens the current power structure. Thus, to preserve the power structure, rulers in authoritarian regimes are more likely to use violence as a tactic of choice in order to control the population.

²¹⁴ *Winter on Fire*, Netflix.

²¹⁵ Ibid.

²¹⁶ Wilson, *Ukraine Crisis: What it Means for the West*, vi.

²¹⁷ Ibid., 90–91.

Even today, violence continues to be a problem in Ukraine. Yuriy Grabovsky, a lawyer, went missing and was found murdered in 2016.²¹⁸ It was noted that Grabovsky had recently complained of harassment by the government over his case defending two Russian soldiers captured in eastern Ukraine.²¹⁹ The disappearance and murder of Grabovsky is not the only case. In July 2016, a car bomb exploded in Kyiv killing outspoken Ukrainian journalist Pavel Sheremet.²²⁰ Poroshenko called for an immediate investigation into the bombing, but has yet to identify any perpetrators.²²¹ Numerous journalists that remain critical of the government or publish reports positively on the separatists in the east face increasing threats of violence and harassment.²²² Suppressing vocal opposition via violent methods remains an acceptable tool for the government. The use of violence, particularly against journalists and lawyers, undermines the protection of civil liberties including free speech and the rule of law. More importantly, these types of harsh responses undermine public confidence in the government, democratic or not.

With such deep seated corruption throughout all levels of Ukrainian life, along with the lack of political will of the elites to change, is it possible for civil society to act as a strong catalyst for change? As the next section will illustrate, Ukrainian civil society remains too weak to act as a consistent force for government development beyond complete regime overthrow. As a result, the room for expanding authoritarianism exists, but at the same time, civil society places a limit on full authoritarian consolidation. The two remain in constant tension with each other.

C. CIVIL SOCIETY: THE NEED FOR MORE BRIDGES

With two revolutions that relied on mass public mobilization under the country's belt, one may think civil society has become robust and entrenched in Ukrainian politics.

²¹⁸ Amnesty International "Amnesty International Report 2016/17," 376.

²¹⁹ Ibid.

²²⁰ James Marson, "Outspoken Journalist Killed in Car Bombing in Kiev," *The Wall Street Journal*, modified July 20, 2016, <https://www.wsj.com/articles/ukrainian-news-website-journalist-killed-in-car-explosion-1469000655>.

²²¹ Ibid.; Amnesty International, "Amnesty International Report 2016/17," 378.

²²² Amnesty International "Amnesty International Report 2016/17," 377.

While this pillar of democracy has improved over a quarter of a century, it still remains weak and unable to consistently influence day-to-day government operations. Several scholars reflected on Ukrainian civil society's inability to establish long term government relationships.²²³ A civil society that remains unable to build bridges with the government will continue to fail at changing government policy, or addressing public grievances before reaching a crisis level. Ukrainian civil society appears to be both supporting and degrading democratization at the same time. Negative aspects of civil society, such as armed thug groups (*Titushki*) and militias, directly challenge the stability of democratic consolidation. At the same time, two revolutions prove Ukrainians are willing to place certain limits on the system, preventing full authoritarian consolidation. Ultimately, Ukrainian civil society continually struggles to influence day-to-day governance in Ukrainian politics, living in tension with autocratic elements.

For a democracy, a robust and vibrant civil society can act as a critical counterweight to government overreach. Civil organizations provide an infrastructure to take popular grievances and coordinate solutions within the government. Promoting participation with the government, these organizations allow citizens who may otherwise remain silent the opportunity and platform to speak up. Civil organizations provide a bridge, an official channel, between citizens and politicians to channel their concerns. They also provide an alternative avenue of approach for negotiations when politicians fail to listen or adhere to their constituents. In contrast, civil society in authoritarian regimes is viewed as the enemy that intends to alter the current power structure. Efforts to silence, restrict, and co-opt civic groups are more common in authoritarian regimes. When successful, civil society can prevent reversals toward authoritarianism, and push for democratic progress. Civil society development is critical for democratic consolidation and the prevention of authoritarianism.

Analyzing the history of Ukrainian civil society will reveal numerous missed opportunities to develop closer ties between the public and politicians. Trade unions

²²³ Henry E. Hale and Robert Orttung, eds. "Conclusion: The Comparative Politics of Reform and Lessons for Ukraine," in *Beyond the Euromaidan: Comparative Perspectives on Advancing Reform in Ukraine*, 272.; D'Anieri, "Establishing Ukraine's Fourth Republic: Reform after Revolution," 12.; Wilson, *Ukraine Crisis: What it Means for the West*, ix.

carried over from the Soviet era became part of the corruption apparatus rather than a force for worker rights. Most political organizations opted to educate voters and monitor elections, a noteworthy contribution, but failed to maintain a lasting relationship beyond election season. Separately, the Internet and personal ties have proven a more powerful motivator to get people into the streets for protest, vice civic organizations. Examining the Euromaidan movement will illustrate a rise in negative organizations that ran in direct contrast to democratic behavior, advancing campaigns of violence and destabilization. Lastly, even with recent success, current civic organizations continue facing uphill battles to building bridges between people and politics. Often, the government views civic organizations as the enemy.

1. Early Civic Development: Flaws in the Soviet Foundation

Even before the fall of communism and independent Ukraine, civil society began to emerge through Mikhail Gorbachev's policy of *glasnost*—a policy of greater transparency and free thinking that brought about approximately 251,000 non-communist party organizations.²²⁴ Following independence, hundreds of organizations including women's leagues, youth organizations, and education organizations emerged, but few were political in nature.²²⁵ Organizations that were political served a fairly narrow purpose. Most of the organizations and activities associated with early Ukrainian civil society worked directly to counter the dominant government media campaigns and information operations.²²⁶ The network for countering government narratives expanded during the 1990s, with roughly 235 national-cultural groups publishing 42 newspapers and four journals.²²⁷ While these organizations expanded to educate individuals in a narrative outside government channels, a quality needed for democratic governance, they did little to build bridges or try to influence policymakers directly. Prizel explains that in 1991, 44 percent of the population felt they "did not belong to any voluntary

²²⁴ Menon and Rumer, *Conflict in Ukraine*, 17.

²²⁵ Diuk, "Sovereignty and Uncertainty in Ukraine," 63.

²²⁶ Bunce and Wolchik, *Defeating Authoritarian Leaders in Postcommunist Countries*, 137.

²²⁷ Wolchik and Zygilyanich, *Ukraine: The Search for a National Identity*, 33.

organization,” and in 1993 that number climbed to 86 percent.²²⁸ Though a vast array of new organizations came to life in the 1990s, the public did not believe they were part of any organized movement: a problem that persists today. This was problematic for the prospect of democracy in early Ukrainian political development as the failure to continually engage in policy and government development allowed elites to shape the system in their favor. Elites were able to set the rules of the game as well as the precedent to ignore the popular preferences of the governed.

Carrying over a number of trade unions from the Soviet era provided a base for civil society to grow; however, trade unions failed to operate in a capacity found in developed democracies. Often times, union leaders merely worked to support the politician vice the worker. Union leaders failed to understand how a market economy worked, or their role within it, and often sided with the employer because it was easier.²²⁹ This means union leadership failed to understand their role in voicing member grievances, in order to be the vehicle for dialogue and reform within an organization. Even though roughly 75 percent of businesses participated with union organizations, union membership tanked over the years, likely as a result of lost faith, losing half of their members over the first decade.²³⁰ The failure of trade unions early on degraded a pillar upon which to build civil society. Aside from mobilizing people to strike, trade unions could have provided a platform for negotiation with the representatives of industry and government, aggregating grievances of the workforce, and bringing about meaningful day-to-day changes. Instead, this early failure left citizens without an important mechanism of influence that could prevent growing authoritarian trends.

2. Great for Election Contribution: Voter Education and Election Monitoring

Though Ukrainian civil society failed to build bridges early on, there was notable progress in educating the electorate, which was worth value. Organizations such as the

²²⁸ Prizel, “Ukraine Between Proto-Democracy and ‘Soft’ Authoritarianism,” 358.

²²⁹ Paul Kubicek, “Civil Society, Trade Unions, and Post-Soviet Democratisation: Evidence from Russia and Ukraine,” 615, <http://dx.doi.org/10.1080/09668130220139181>.

²³⁰ Ibid., 614.

Committee of Voters of Ukraine (CVU) came to play a critical role in educating voter rights and monitoring elections, becoming a success story for civil development.²³¹ Also, the CVU was critical in conducting Parallel Vote Tabulation (PVT) to monitor potential election fraud during the Orange Revolution in 2004.²³² Aside from the CVU, the youth organization Pora held a similar mission. Consisting of about 30,000 activists, and receiving technical assistance from the West, Pora went door to door, polling station to polling station during the 2004 election, educating voters on where to go, their rights, and how to vote properly.²³³ While educating voters had a tremendous impact during election season, these organizations did little in the wake of affecting routine, day-to-day government policy. More robust organizations are needed to interact with government on a daily basis, make negotiations, and hold leaders continually accountable beyond just election season. This is an area of continued struggle in Ukraine.

In addition, the media began playing a greater role in educating the public during election season. *Ukrainska Pravda*, a local news outlet, informed the public during the Orange Revolution. While the Internet lacked robustness during the Orange Revolution when compared to the Euromaidan in 2014, *Ukrainska Pravda* published various exit polls and alleged fraud information online.²³⁴ Other organizations such as Pora, as Michael McFaul notes, “blasted out informational and motivational emails to supporters and observers all over the country and all over the world.”²³⁵ Media involvement is critical for democracies as it provides alternative information that challenges the government narrative. Providing other views from independent sources allows voters to draw independent conclusions on election progress contrary to the state-run storyline, and promotes quality democratic engagement, debate, and participation.

²³¹ Timothy Fairbank, “Participating in the Process: The Importance of Civil Society in the Former Soviet Union,” 134, <http://libproxy.nps.edu/login?url=http://search.proquest.com/docview/221210330?accountid=12702>.

²³² Michael McFaul, “Importing Revolution: Internal and External Factors in Ukraine’s 2004 Democratic Breakthrough,” in *Democracy and Authoritarianism in the Postcommunist World*, eds. Valerie Bunce, Michael McFaul, and Kathryn Stoner-Weiss (New York: Cambridge University Press, 2010), 201.

²³³ Åslund, *How Ukraine Became a Market Economy and Democracy*, 179.; *Orange Revolution*, DVD.

²³⁴ McFaul, “Importing Revolution,” 206.

²³⁵ Ibid.

3. Good at Overthrow: Only One Peaceful Transition of Power

While daily engagement and participation remains weak, popular mobilization for mass government overthrow has proven successful on a number of occasions. As a result, civil society is at least strong enough to place limits on authoritarian consolidation, while remaining too weak and unable to push Ukraine toward full democratic consolidation. Ukrainians have ousted their leaders through popular protest on three occasions, with only one peaceful transition of power from Yushchenko to Yanukovych in 2010. The first ousting was in 1993, when a miners' strike led to early elections and the ouster of Ukraine's first president, Leonid Kravchuk. 122 mine directors and hundreds of thousands of workers from the Donbas region banded together to force a region wide strike, eventually spreading to other sectors of the Ukrainian economy.²³⁶ Protesting work conditions, harsh economic lives, and the political chaos that plagued their nation following independence, the miners brought a pivotal part of the Ukrainian economy to a screeching halt and demanded new elections as a means to throw out the government.²³⁷ Though not fully known at the time, Ukraine rejected one autocrat for another, electing Leonid Kuchma, who built another autocratic government that required another overthrow by popular protest and ballot box in 2004.

The second notable popular protest movement was the Orange Revolution in 2004. Hundreds of thousands of Ukrainians took to the streets after the Central Election Commission (CEC) ruled that Viktor Yanukovych won the second round run-off through widespread voter fraud on part of the regime.²³⁸ Over 500,000 people poured into the streets of Kyiv by the third day of demonstrations, November 23, 2004.²³⁹ Popular protests, with oligarch support, forced the Supreme Court to nullify the second round and call for a repeat runoff.²⁴⁰ The repeat second round on 26 December 2004 crowned

²³⁶ Jane Perlez, "Ukraine's Miners Bemoan the Cost of Independence," *The New York Times*, modified July 17, 1993, <http://www.nytimes.com/1993/07/17/world/ukraine-s-miners-bemoan-the-cost-of-independence.html?pagewanted=all>.

²³⁷ Ibid.

²³⁸ Wilson, *The Ukrainians Unexpected Nation*, 318.

²³⁹ Ibid.

²⁴⁰ Ibid., 320.

Viktor Yushchenko the winner, with his margin of victory reflecting what political analysts expected from exit polling.²⁴¹ Ultimately, mass citizen mobilization forced the courts to uphold the law, hold a repeat vote, and reject a continuation of an autocratic regime.

The last, and most recent mass protest transition was that of the Euromaidan in 2014. Following President Viktor Yanukovich's unilateral decision to back away from an EU Association Agreement in November 2013, thousands of angry Ukrainians took to the streets. Implementing the agreement, which began negotiations in March 2007, would represent Ukraine's most overt pivot away from Russian influence, and solidify the country's commitment to Europe.²⁴² Demonstrations in Independence Square (the Maidan) started at about 100,000 on the first Sunday after Yanukovich's announcement, but quickly swelled to an estimated 800,000.²⁴³ While demonstrations were predominately focused in Kyiv, they also spread to cities across the country, including some in the heavily pro-Russian east.²⁴⁴ Eventually, after numerous violent clashes and deaths between protestors and government forces, Yanukovich fled the country and the government stripped him of his power and held new elections.

People can mobilize effectively if their collective grievances reach a tipping point, which can help push the nation toward democratic consolidation. However, what remains problematic and undemocratic is the continued absence of organizations on which to mediate and work through problems before they reach a breaking point. Also, public opinion supports that Ukrainians are not exactly enthralled by civic engagement. Aadne Aasland and Oleksii Lyska found that civic activity remains low, particularly at the local government level, with many viewing their local authorities in a negative light, attending public meetings vice actively participating in local governance.²⁴⁵ Low involvement even

²⁴¹ Wilson, *The Ukrainians Unexpected Nation*, 320–321.

²⁴² Menon and Rumer, *Conflict in Ukraine*, IX.

²⁴³ *Ibid.*, 79.

²⁴⁴ *Ibid.*

²⁴⁵ Aadne Aasland and Oleksii Lyska, "Local Democracy in Ukrainian Cities: Civic Participation and Responsiveness of Local Authorities," in *Post-Soviet Affairs* 32, no. 2 (2016): 170. <http://dx.doi.org/10.1080/1060586X.2015.1037072>.

at the local level does two things against quality democratic governance. First, low involvement exacerbates the disconnect between the success of the central governance trumpeted by politicians, and the contrasted reality on the ground experienced by citizens. Second, low involvement allows for local governments to continue corrupt or abusive practices with little to no fear of punishment or no need to confront constituents face-to-face, allowing authoritarian elements and practices to continue.

Overall, Ukrainian society, with some assistance from civic organizations, is successful at ousting regimes that become too extreme. This seems place a limit on authoritarian consolidation. Providing a check to authoritarian consolidation is noteworthy and represents a glimmer of democratic nature in Ukrainian civil society. However, civil society in Ukraine lacks the day to day engagement with government that can allow it to become a truly robust democratic force. Also, failing to act appropriately prior to grievances reaching a level that requires mass mobilization is not a sign of a robust civic pillar. While the success of civil society at checking autocratic consolidation is welcomed, much work needs to be done as there are other flaws in Ukrainian civil society that undermine democratic progress.

4. Other Flaws in the Civil Society

Other flaws in civil society development hinder consolidation and habituation of this vital pillar to democracy. Passivity of organizations allows grievances to fester and reach a breaking point that requires regime overthrow. Also, negative civic groups undermine credibility of honest groups and provides a pretext for excessive government crackdown. These flaws consistently undermine the habituation of quality civil society practices found in robust democracies.

A flaw in Ukraine's civil society is that people remain largely passive to a point, allowing grievances to reach an extreme level that then requires mass mobilization to the streets and complete regime overthrow. Failing, time and time again, to invest in civic institutions that address popular grievances before they reach a breaking point is a shortcoming. Though the institutional design and odds remain stacked against civil society, as the entire system is built to protect elite interests and basic political

representatives hardly reach out to their constituents, Ukrainians need to create more organizations with direct involvement with the government.

Outside of election season, Ukrainians were largely silent under the Yanukovych regime as he reinstated a controversial Black Sea fleet treaty with Russia.²⁴⁶ The treaty extended basing rights to the Russian Navy in the autonomous region of Crimea—prior to Russian annexation in 2014. The treaty was highly controversial, and yet society did not mobilize against this.²⁴⁷ Additionally, civil society lacked the organizations to mediate between the public and elites.

To make matters worse, the rise of vigilante groups and organized crime under the Yanukovych government undermined legitimate organizations, eroded public confidence, added confusion, and contradicted democratic norms. Way notes that negative civil society organizations, or hijacked civil society, directly undermine democracy and good governance.²⁴⁸ Rising groups such as the *Titushki* detract and erode what little gains other, more honest organizations have achieved. In addition, negative groups provide a bull horn for elite justification of harsh crackdowns that degrade civil liberties. Ultimately, these organizations are built around the idea of causing trouble. Notoriously, the *Titushki* were a group of armed thugs, hired by the Yanukovych regime, used to augment internal security forces during the Euromaidan uprising.²⁴⁹ Yanukovych paid these thugs anywhere from US\$17 to US\$100 a day to beat up demonstrators.²⁵⁰ Ultimately, the *Titushki* were responsible for some of the most heinous deaths, beatings, and kidnappings during the Euromaidan. Organizations like the *Titushki* run counter to any democratic ideals and norms, and are often a tool for authoritarian overreach. They prey on the disenfranchised and poor to fill their ranks, and do little in the face of public good or the promotion of civil liberties. Additionally, these groups provide an excuse to

²⁴⁶ Lucan Way, “Civil Society and Democratization,” *Journal of Democracy* 25, no. 3 (2014): 41, <http://libproxy.nps.edu/login?url=http://search.proquest.com/docview/1546003501?accountid=12702>.

²⁴⁷ Ibid.

²⁴⁸ Ibid., 42.

²⁴⁹ Wilson, *Ukraine Crisis: What it Means for the West*, vi.

²⁵⁰ Ibid., 78–79.

for the regime to fight violence with violence. Vigilante groups promote authoritarianism by suppressing and coercing honest civic groups.

5. Civil Society Today: Finally, Building Bridges

As stated earlier, one of the largest impediments to democratic progress and promoters of authoritarianism remains civil society's inability to effectively influence government on a daily basis. Today, civil society groups are finally making inroads and building longer term relationships between citizens and the government. However, this fresh success is often met with stiff resistance from the old elite, reminiscent of past problems. The Anti-Corruption Action Center is one such story. Starting out as an organization to craft and push anti-corruption legislation through the Rada, the Center assisted and lobbied for the creation of the National Anti-Corruption Bureau.²⁵¹ George Weigel explains another organization, Patients of Ukraine, that lobbied to break up the "de facto national pharmaceutical mafia," making medicine more affordable for citizens.²⁵² An increasing number of success stories for civil society illustrates this pillar of democracy may finally be making inroads and bridging the divide. While these successes are welcomed, caution is recommended as the system has proven resistant to change.

Though civil society appears to be improving since the Euromaidan, activist and organization efforts have continually met resistance from elites. According to Wilson, "consisting of mainly volunteers and operating through grassroots activism and social media, they made commendable efforts in trying to push reforms forward, but were often patronized by the government as amateur enthusiasts."²⁵³ The current prime minister, Volodymyr Groysman, noted how difficult change remains as old elites have resisted

²⁵¹ George Weigel, "Ukraine at Christmas: A Reminder of the Importance of Civil Society," *National Review*, modified December 29, 2016, <http://www.nationalreview.com/article/443407/ukraine-christmas-building-civil-society>.

²⁵² Ibid.

²⁵³ Wilson, *Ukraine Crisis: What it Means for the West*, 155.

“everything possible,” to stop the implementation of anti-corruption reforms.²⁵⁴ The battle remains an uphill one for civil society, though a handful of success stories is welcomed.

Through all of civil society’s successes and failures in Ukraine, civil society as a whole continually fails to attack the source of the problems. Two revolutions have failed to change the system in a manner that rids the deep intermixing of money and politics that is the source of so much of Ukraine’s woes. Kudelia notes that the Euromaidan shows “that large-scale popular mobilization may selectively punish individual corruption, but it cannot dismantle the broader incentive structure of informal exchange that made it possible.”²⁵⁵ In other words, the Euromaidan failed to address the core institutional problems that made a corrupt leader like Yanukovich possible, stemming from the inability to consistently create and shape the government. While there have been recent successes for civil society since the Euromaidan, they have taken almost three years to build and have faced resistance along the way. This illustrates the current difficulties facing Ukrainian civil society today. Though civil society appears to be growing in a manner that has evaded the country for a quarter of a century, there remains much work to be done and it remains far from a “robust” or consolidated pillar of democracy.

D. CONCLUSION

In conclusion, corruption and accountability problems extend beyond petty infractions to colossal levels, and remain incredibly entrenched in Ukraine. All levels of society evade and subvert laws to their advantage. Politicians use their positions to acquire greater wealth and power, as citizens skirt the law as a means to get by or conduct business. Hardly democratic in nature, these practices erode confidence in democracy and perpetuate authoritarian qualities. As elites have used their positions to aggrandize benefits, they too subvert the law to their advantage, protecting those that are loyal to the

²⁵⁴ Volodymyr Groysman, “Why I Declared My Wealth and Made Ukraine’s Elite Follow Suit,” *The Guardian*, modified November 5, 2016, <https://www.theguardian.com/commentisfree/2016/nov/06/ukraine-corruption-assets-e-declaration-volodymyr-groysman>.

²⁵⁵ Kudelia, “Corruption in Ukraine,” 77.

system, and cracking down on vocal opposition. Inheriting and expanding a centralized police force after independence extended the reach of government that allowed them to abuse and harass citizens. Recent efforts to reform, while welcomed, appear to have the same centralized structure that allowed such government overreach of the past. While many of these reforms look great on paper, they continually lack the enforcement mechanisms necessary for implementation, leading to criticism that elites do not truly intend to alter the status quo, allowing the authoritarian framework to remain.

Also, though corruption pervades all levels of society, and elites continually seek their own interests over public interests, civil society remains too weak to influence the routine shaping of government. Organizations exploded into existence following independence but failed to truly build a bridge between citizens and politicians. Incompetent trade unions carried over from the Soviet days advanced commercial interests vice worker rights. At the same time, political organizations were active during election seasons but faded into the background after the polls closed. Ukrainian civil society has little engagement to influence government policy on a daily basis. Part of the problem is that the system is designed to protect elites, and civil society is often viewed as an enemy to that system. As a result, Ukrainian civil society has proven extremely effective at mass mobilization for regime overthrow, ousting three different regimes since independence by popular protest. This frequency of mass mobilization for overthrow does not bode well for democracy in Ukraine, but does appear to place limits on authoritarian consolidation. Consequently, civil society in Ukraine is preventing and promoting both authoritarian and democratic consolidation in the country. Civil society is unable to push consolidation fully toward democracy as a result of its relationship with the government. At the same time, mass popular mobilization during times of crisis appears to also limit full authoritarian consolidation.

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IV. ECONOMIC ROLLER COASTER AND POPULAR HARDSHIP

A. INTRODUCTION

One may recall that economic success is one of many requirements for a democracy to remain strong and prevent authoritarian regression. Establishing a market economy structure at the beginning of a democracy ensures the greatest likelihood of democratic success as it allows democratic norms and practices to become established early. Nations that fail to transition to a market economy quickly allow the growth of corruption. Separately, some argue that specific measurements of citizen wealth demonstrate the success and strength of government. Economies showing approximately US\$2,236 GDP per capita income are deemed on the threshold of stable, and a GDP per capita of US\$13,418 indicates a democracy is well established.²⁵⁶ The economic structure and performance within a country can support or degrade consolidation. As discussed in previous chapters, wealth reduces the fight and concern over basic goods and allows for greater understanding and compromise between two parties (or a large government). When the populace has to worry about survival, it opens the door for populism and authoritarianism as a means to address economic woes.

Ukraine's economic situation has been a roller coaster over the last 25 years, but one thing remains: elites profit and the public suffers. Following a brief overview of the Ukrainian economy, this chapter will illustrate how the first few years of independence left many citizens broke and angry at leaving the Soviet Union. Delaying the crucial transition from a planned to market economy in the Kravchuk years wreaked havoc on the system. The election of Kuchma and his eventual appointment of Viktor Yushchenko as his prime minister turned an ailing economy around within one year, bringing much needed relief to the system. Though the economy has faced ups and downs with various crises, per capita GDP, overall, has remained low. Reforms following the Euromaidan look promising, but they are currently hurting the everyday citizen. Income inequality

²⁵⁶ Przeworski et al., "What Makes Democracies Endure," 40–41.

remains high, and many Ukrainians live below the poverty line, spending the majority of their income on food and energy. The constant divide between the super wealthy and average citizen reinforces disenchantment with the government, undermines prospects for true reform success, and leaves the system vulnerable to exploitation by populism and authoritarianism.

B. INHERITING A CENTRALIZED ECONOMY

Ukraine inherited a centralized economy from the Soviet Union in 1991. Primarily revolving around agriculture and heavy industry, the Ukrainian economy has changed vastly since independence.²⁵⁷ Ukraine once supplied roughly one-fourth of the food for the Soviet Union, but today, Ukraine's farming sector only accounts for roughly 14 percent of the nation's economy.²⁵⁸ In addition, Ukraine's economy was dominated by heavy industries such as metallurgy, coal, and chemicals under communism.²⁵⁹ Heavy industry still accounts for a quarter of Ukraine's economy, and is predominately located in eastern Ukraine.²⁶⁰ Aside from heavy industry, a growing service sector now accounts for over 50 percent of economic activity in Ukraine.²⁶¹ With these changes, the transition from a command economy to a free market economy has been a difficult process for Ukraine.

Lingering communist influence and the presence of old Soviet elites hindered the implementation of radical reforms to a market economy in the early transition years. Failing to radically break with a centralized past, after three years of independence, in 1994, 85 percent of the economy remained state-owned.²⁶² Both President Kravchuk and then-Prime Minister Kuchma faced strong resistance at instituting economic change. For Kravchuk, he was not about to bite the hand that fed him the victory of independence and

²⁵⁷ The World Factbook: Ukraine, Central Intelligence Agency, modified January 12, 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/up.html>.

²⁵⁸ Ibid.

²⁵⁹ Ibid.

²⁶⁰ Ibid.

²⁶¹ Ibid.

²⁶² Wolchik and Zviglyanich, eds., *Ukraine: The Search for a National Identity*, 199.

the presidency by taking the rug of economic power out from the very people that got him elected. Efforts at privatization would likely face stiff resistance from the sitting communists, or their reincarnated leftist parties, and jeopardize Kravchuk's power base. As for Kuchma, even during his tenure as prime minister, he understood how the corrupt game worked in Ukraine.

Aside from political inaction from old elites, Kravchuk was unable to jump start economy, even if he wanted to, as Ukraine lacked the basic economic infrastructure to do so. After independence, Ukraine lacked a national bank, a budget, and an adequate means to collect taxes.²⁶³ Kravchuk needed to build these institutions and mechanisms in order to establish a sense of order and rules for a new market economy. The lack of these basic pieces contributed to the establishment of an oligarchy, and corruption at a time when Ukraine desperately needed reform. Failing to reform the system quickly and implement vital infrastructure led to stagnated development, increased hardship, and the rise of a rent-seeking, predatory state.

C. ESTABLISHING AN OLIGARCHY AND PERPETUAL ECONOMIC HARDSHIP

The Ukrainian oligarchs came to power shortly after independence as state-owned enterprises continued to operate in close coordination with the government. Particularly, the gas trade industry, which was state owned, allowed those running the company to siphon or skim profits off the top of energy sales. Åslund and McFaul explain how gas companies cooperated with the government to buy commodities at low state prices, turned around and sold them at market value, and then pocketed the difference: what is also known as rent-seeking.²⁶⁴ UES is one such example. As previously discussed in the corruption section, Pavlo Lazarenko, who operated the company along with Yulia Tymoshenko, siphoned off millions in profits in the late 1990s.²⁶⁵ Aside from maintaining monopolies on different sectors or regions of the economy, many elites maintained close coordination with the government to achieve advantageous loans and

²⁶³ Wilson, *The Ukrainians Unexpected Nation*, 257.

²⁶⁴ Åslund and McFaul, *Revolution in Orange*, 10.

²⁶⁵ Wilson, *The Ukrainians Unexpected Nation*, 265.

kickbacks, craft advantageous tax laws, and maintain protection by the party in power (particularly the president and his vast levers of influence).²⁶⁶ Truly a patron-client relationship, elites remaining in favor of the administration received enormous advantages in business and practices that allowed these officials to gain wealth, and eventually power.

After Viktor Yushchenko became prime minister in 1999 and began implementing reforms that directly challenged oligarch interests, the elites simply maneuvered and diverted their energy to capture the sales of state enterprises and increased footholds in the political system through the greater backing and running of political parties as means to ensure access to the administration in power.²⁶⁷ The lack of robust tax laws and enforcement mechanisms meant elite profits failed to reach the state. The evolution of elites allowed for the continuation of policies advantageous to them, harming overall economic development, and everyday Ukrainians.

A large problem associated with the rise and persistence of the super wealthy in Ukraine remains tax evasion and the loss of income to the state. Public projects may not be completed or achieved if taxes are not received by the state, and Ukrainians have long avoided taxes—especially the super wealthy. Lazarenko is one such example; after raking in millions from UES, he paid only US\$11,000 in taxes.²⁶⁸ The inability to receive adequate taxes then shifts the burden on the lower affluent or connected population, as they may lack the means to hide their money. In 2011, approximately 8 million of the eligible 22 million of the workforce did not pay taxes.²⁶⁹ Kuzio explains how the inability of the lower echelons of society to send their money offshore has resulted in an expanding shadow economy, and a growing perception that tax evasion is acceptable (with 55 percent of Ukrainians surveyed in 2012 favoring tax evasion).²⁷⁰

²⁶⁶ Åslund and McFaul, *Revolution in Orange*, 10–11.

²⁶⁷ Ibid., 15–16, 21.

²⁶⁸ Wilson, *The Ukrainians Unexpected Nation*, 265.

²⁶⁹ Kuzio, *Ukraine: Democratization, Corruption, and the New Russian Imperialism*, 371.

²⁷⁰ Ibid., 373.

As the shadow economy expanded, with estimates ranging between 40 and 50 percent of the economy over the years, the problem became perpetual.²⁷¹ Elite profiting robbed the economy of vital income to provide for government wages, pensions, and social benefits. As these programs became increasingly insolvent and shifted the tax burden on the middle to lower income populations, an increasing number of individuals and businesses had to resort to barter and corrupt practices just to get by. In turn, this set up forced increasing amounts of the economy underground.

D. MACRO REFORM AND POLICIES FAIL TO REACH THE MICRO LEVEL

As a consequence of the lack of reform, Kravchuk, and Kuchma under his tutelage, allowed elites to pillage their way to enrichment, and entrench corrupt practices that wreaked havoc on the economy. Prizel explains how the slow implementation of reform was possibly deliberate by then-Prime Minister Kuchma, as he “would avoid shock therapy in reforming the economy. Thus, he assured the continuation of the economic distortions that enriched and empowered the old elite.”²⁷² Under this set up, the economy only continued to decline. Inflation reached astronomical levels. Hyperinflation peaked in 1993 at 5,371 percent.²⁷³ Separately, GDP per capita tanked, declining from an average of US\$5,499 per person in 1991 down to a meager US\$750 per person in 1998.²⁷⁴ Wages fared even worse in 1999. According to Harasymiw, “the average monthly salary in June 1999 was equivalent to US\$50.30.”²⁷⁵ The economic situation fell well below Przeworski’s target of ~US\$2,200 per person, on which democratic strength and survival maintains a better outlook. The deterioration of the economy, aside from the corrupt elite stealing millions, hindered democratic consolidation by shifting popular focus on survival vice everyday engagement with the government.

²⁷¹ Kuzio, “Political Culture and Democracy: Ukraine as an Immobile State,” 94.

²⁷² Prizel, “Ukraine Between Proto-Democracy and ‘Soft’ Authoritarianism,” 347.

²⁷³ Wilson, *The Ukrainians Unexpected Nation*, 253.

²⁷⁴ Ibid., 255–256.

²⁷⁵ Harasymiw, *Post-Communist Ukraine*, 429.

Part of the problem stemmed from the inability to collect taxes, which instilled the practice of tax evasion and drove parts of the economy underground. According to Wilson, “powerful economic interest groups operated beyond the control of the state, or themselves controlled the state, and were robbing the country blind... nobody seemed to pay any taxes.”²⁷⁶ During Kuchma’s tenure as president, the shadow economy reached approximately half of Ukraine’s GDP.²⁷⁷ The more the economy went underground and tax evasion persisted, the less money was available to invest in infrastructure, provide food subsidies, and improve the standard of living for Ukrainians. Thus, the system that became entrenched in Ukraine promoted self-preservation and evasion vice public good.

The effects of this economic catastrophe directly impacted everyday citizens. As wages decreased and prices increased, Ukrainian families had a difficult time making ends meet. Between 1990 and 1996, the average household spent between 56 to 66 percent of their income solely on food.²⁷⁸ Additionally, according to Menon and Rumer, “real wages plummeted by 63 percent between 1990 and 1993... [and] nearly a third of Ukrainians lived in poverty.”²⁷⁹ The early independence years were especially difficult, but even after successful reforms in 2000, later discussed in this chapter, the situation remained challenging. According to BTI, in 2003 approximately 25 percent of Ukrainians still lived in poverty and 80 percent believed they were poor.²⁸⁰ It became increasingly difficult to understand how the government was taking care of everyday Ukrainians and working for the people when elites continued getting rich while the population worried about feeding their families.

E. YUSHCHENKO’S REFORMS AND FAILED ECONOMIC PROSPERITY

After muddling through eight years of economic decline, Viktor Yushchenko’s appointment as prime minister in 1999 managed to turn the economy around. Yushchenko’s reforms promoted the greater deregulation of key economic sectors,

²⁷⁶ Wilson, *The Ukrainians Unexpected Nation*, 256.

²⁷⁷ Kuzio, “Political Culture and Democracy: Ukraine as an Immobile State,” 94.

²⁷⁸ Nikolayenko, “Press Freedom During the 1994 and 1999 Presidential Elections in Ukraine,” 667.

²⁷⁹ Menon and Rumer, *Conflict in Ukraine*, 26.

²⁸⁰ BTI, “Bertelsmann Transformation Index 2003: Ukraine,” 7.

improved transparency, altered tax break incentives for the wealthy, and increased privatization.²⁸¹ Essentially, Yushchenko's reforms targeted the corrupt oligarch practices that became so deeply entrenched during the first eight years of independence. As an example, Yushchenko stripped 270 subsidy and privilege laws for the concrete industry, in addition to ending the barter system, requiring cash payments to the government.²⁸² As Wilson explains, Yushchenko's reforms swung the Ukrainian economy "dramatically" in the other direction, from a -0.2 percent decline in 1999 to +5.9 percent growth in 2000, with sustained gains for another seven years.²⁸³ Adopting economic policies to stymie corruption, Yushchenko eliminated approximately US\$4 billion in energy rents, or a 13 percent equivalent of GDP.²⁸⁴ However, there was a price to pay for this success, as Yushchenko's aggressive pursuit against the oligarchs' power base also meant he was pursuing Kuchma's power base. Yushchenko was fired only a year and half after taking the job, which allowed Kuchma to return to previously eliminated corrupt practices.²⁸⁵

Reforms may have improved Ukrainian wages, but corruption eroded those gains quickly. Living standards improved under Yushchenko's tutelage, as Wilson notes, with a middle class beginning to appear and Ukrainians learning "to love to shop as huge new malls appeared overnight, often underground."²⁸⁶ Though a middle class emerged, this should not be confused with a substantial shift in rising income equality as the oligarchs became increasingly rich, and their wealth eclipsed that of the new middle class. For all the economic success and turnaround, little made it to the populace as profits were squandered by public officials.²⁸⁷ Digging Ukraine out from its economic pit, Yushchenko's improvements were not enough to alter the fundamentals of the economy

²⁸¹ Åslund and McFaul, *Revolution in Orange*, 14; Kuzio, "Political Culture and Democracy: Ukraine as an Immobile State," 91.

²⁸² Åslund and McFaul, *Revolution in Orange*, 14.

²⁸³ Wilson, *The Ukrainians Unexpected Nation*, 313.

²⁸⁴ Kuzio, "Political Culture and Democracy: Ukraine as an Immobile State," 91.

²⁸⁵ Menon and Rumer, *Conflict in Ukraine*, 30.

²⁸⁶ Wilson, *The Ukrainians Unexpected Nation*, 314.

²⁸⁷ Wolchik and Zviglyanich, *Ukraine: The Search for a National Identity*, 118.

as corruption remained rampant; many citizens remained in poverty, or at least believed they were poor. Separately, Timm Beichelt notes how even during the boom of the 2000s, democracy and its prospects were “associated with a decline in living conditions and ineffective power struggles... with only 20 percent content with the state of democracy.”²⁸⁸ Though there were short term gains, overall reforms failed to materialize into sustained improvement for Ukrainians. Democracy became associated with economic hardship early on, and as such allowed for the establishment of populism, nepotism, bribery, and corruption.

The corrupt practices and siphoning of money by elites may not have become as entrenched if there had been a clean break with the centralized past. Inheriting a weak and centralized economy and failing to reform it right away degraded democratic success. Civil society was unable to flourish as citizens worried more about basic survival and feeding their families vice investing in Ukrainian politics. The distortions and holes in the independent economy allowed for the creation of economic institutions that promoted the enrichment of an elite few, with less returning to the people. The Ukrainian economy in the first decade established corrupt, semi-authoritarian practices that worked against democratic consolidation. As a result, elite pillaging and drastic income inequality continue today.

F. GLOBAL FINANCIAL CRISIS AND THE YANUKOVYCH ERA

The 2008 global financial crisis was the next shock to the system. GDP per capital fell from US\$3,891 in 2008 down to US\$2,468 in 2009.²⁸⁹ Ukraine’s economy was quick to recover as economic growth returned to 4.2 percent in 2009, and 5.2 percent in 2010.²⁹⁰ However, after the election of Viktor Yanukovich in 2010 and return of corrupt practices, the economy limped along with 0.2 percent growth in 2012 and 1.9 percent in

²⁸⁸ Timm Beichelt, “Autocracy and Democracy in Belarus, Russia, and Ukraine,” *Democratization* 11, no. 5 (2004): 129, <http://dx.doi.org/10.1080/13510340412331304615>.

²⁸⁹ Rachel Vanderhill, “Ukraine: A Democratic Post-Soviet State?,” in *Institutional Dimensions of Authoritarian Persistence: Lessons from Post-Soviet States*, edited by Rachel Vanderhill and Michael E. Aleprete Jr. (Lanham, MD: Lexington Books, 2013), 150.

²⁹⁰ Menon and Rumer, *Conflict in Ukraine*, 50.

2013.²⁹¹ The fleecing of the Ukrainian public by the Yanukovych regime has been discussed in great detail in previous chapters. Yet it remains that Yanukovych and the Party of Regions robbed billions from the Ukrainian economy, to the tune of roughly half of the country's GDP.²⁹² As a result, continued distortions kept wages low, barely in the realm of democratically stable ~US\$2,200 U.S. dollars GDP per capita. Separately, tax evasion continues to be a problem. According to Kuzio, in 2011 roughly 36 percent of working Ukrainians did not pay taxes, with most receiving their salaries in cash envelopes.²⁹³ Whatever small scale gains occurred after the Yushchenko turnaround were being erased.

G. UKRAINE'S ECONOMY TODAY: SIMILAR TO THE PAST

Currently, Ukraine's economy is improving, but economic distortions and the pain of modern reform leaves many everyday citizens hurting. According to Ukraine's current Prime Minister Volodymyr Groysman, inflation has declined since the Euromaidan revolution where it peaked at 43 percent in 2015, fell to 12 percent in 2016, and is currently projected to reach 8 percent in 2017.²⁹⁴ Though the numbers reflect that the economy appears to be improving, many Ukrainians disagree. Currently, popular support for economic recovery remains low. According to Ievgen Vorobiov, nearly "two-thirds of Ukrainians believe that the country's economy is moving in the wrong direction."²⁹⁵ The numbers for income and prices seem to support the population's woes.

The failures of transferring larger macroeconomic prosperity down to the micro level continues to impact everyday Ukrainians. Wages remain low, prices for goods are high, and many Ukrainians have yet to benefit from the changing economy. Roman Olearchyk explains that Ukraine's GDP per capita is "just 20 percent of the EU

²⁹¹ Menon and Rumer, *Conflict in Ukraine*, 50.

²⁹² Wilson, *Ukraine Crisis: What it Means for the West*, 53.

²⁹³ Kuzio, *Ukraine: Democratization, Corruption, and the New Russian Imperialism*, 371.

²⁹⁴ Groysman, "Why I Declared My Wealth and Made Ukraine's Elite Follow Suit."

²⁹⁵ Ievgen Vorobiov, "Ukraine is a Mess, But It's Still No Greece," *Foreign Policy*, modified July 6, 2016, <http://foreignpolicy.com/2015/07/06/ukraine-is-a-mess-but-its-still-no-greece/>.

average.”²⁹⁶ Also, according to World Bank, Ukraine’s GDP per capita in current U.S. dollars for 2015 is only US\$2,114.²⁹⁷ Ukraine’s most recent GDP calculation remains just barely below the US\$2,200 threshold for government stability. Hardly a sustainable living wage, the average Ukrainian monthly income is only US\$194, and those living below the subsistence level nearly doubled from 2015–2016.²⁹⁸ Yet again, as in the past, Ukrainians are experiencing difficulty making ends meet, which can allow populist platforms who claim they can quickly fix the economic woes to take hold. This situation leaves the country vulnerable to authoritarian overreach and the degradation of democratic progress as a means to fix economic hardship. Wage concerns are only part of the problem, as the cost for goods and services is increasing as a result of recent reforms, only adding more pain for average citizens.

Even as wages remain low, the price of goods continues to increase, particularly energy costs. An IMF-mandated end to energy subsidies caused prices to triple in 2016.²⁹⁹ On average, Ukrainian utility bills are roughly 75 percent of their monthly salary, with Kyiv being the worst at 125 percent of the average income.³⁰⁰ Amnesty International echoes the current problem, noting that the living standards of many Ukrainians continues to decline as prices for heat and water go up.³⁰¹ As power and heating costs dominate the majority of Ukrainian income, so too does putting food on the table. In 2014, 40 percent of Ukrainians spent nearly two-thirds of their budget on food and sustenance.³⁰² Plateauing or regressing wages in combination with rising prices is forcing a growing number of Ukrainians to live below the poverty level. Ragozin notes

²⁹⁶ Roman Olearchyk, “IMF Urges Ukraine to Double Down on Reforms,” *Financial Times*, modified November 18, 2016, <https://www.ft.com/content/63c3414c-17f6-3551-8fca-1bf15257c77b>.

²⁹⁷ The World Bank, “GDP per capita (current US\$),” The World Bank, accessed February 25, 2016, <http://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=UA>.

²⁹⁸ Leonid Ragozin, “Ukraine is Fighting Its Own Cold War,” *Bloomberg*, modified February 5, 2017, <https://www.bloomberg.com/news/features/2017-02-06/ukraine-is-fighting-its-own-cold-war>.

²⁹⁹ Ibid.

³⁰⁰ Ibid.

³⁰¹ Amnesty International, “Amnesty International Report 2016/17,” 376.

³⁰² Kuzio, *Ukraine: Democratization, Corruption, and the New Russian Imperialism*, 321.

how the number of those living in poverty nearly doubled to 58 percent in 2015.³⁰³ Separately, Damien Sharkov surveyed approximately 1,000 Ukrainians in 2015 and found a 17 percent increase over 2014 with 79 percent of Ukrainians considering themselves poor.³⁰⁴ While the government may provide some assistance through subsidies, and Ragozin notes that some landlords pay for some of the heating costs for apartment buildings, Ukrainians nonetheless predominantly spend their income on energy and food.³⁰⁵ The persistence of poverty and low wages, in addition to the high cost of goods, perpetuates the corrupt practices discussed in previous chapters. Contributing to bribery, barter, and favors as a means to get by, this set up remains undemocratic and vulnerable to authoritarian overreach.

Current reforms that are designed to help Ukraine's economy are hurting Ukrainian citizens. While GDP has improved since the Euromaidan, corruption continues to fleece money from society and leave Ukrainians continually disenchanted with their government. The everyday Ukrainian sees little improvement as heating costs continue to rise with their incomes receding or flat lining. Ukraine's GDP per capita level places government durability barely in the stable range (according to Przeworski's previously discussed theory). While the theory may say the country appears in the stable range, in practice this seems far from true. Continued economic shortcomings will only destabilize the government, leaving it vulnerable to another popular change in the next election cycle. For many, it seems they see a repeat of the same old problem. Poverty perpetuates the need to bribe and barter for survival.

H. THE OLIGARCHIC DRAIN

The largest part of Ukraine's economic woes stems from the persistence of the oligarchs. Oligarchs controlled 38 percent of the country's GDP in 2014, higher than other developed democracies and some authoritarian states.³⁰⁶ Oligarchs continue to rob

³⁰³ Ragozin, "Ukraine is Fighting Its Own Cold War."

³⁰⁴ Damien Sharkov, "Ukraine's Outlook on Life Getting Bleaker as Uneasy Ceasefire Continues," *Newsweek*, modified January 5, 2016, <http://www.newsweek.com/gallup-ukraine-411868>.

³⁰⁵ Ragozin, "Ukraine is Fighting Its Own Cold War."

³⁰⁶ Kuzio, *Ukraine: Democratization, Corruption, and the New Russian Imperialism*, 319.

the Ukrainian economy and taxpayers of a better life, and they are continually successful at it. The oligarchs have managed to evolve over the years from playing a direct role in politics to shifting behind the scenes as a means to survive. Åslund explains:

As a consequence, the oligarchs—as the few very wealthy were popularly called—changed qualitatively. Until 1999, all the richest people in Ukraine made their money on gas trade, but from 2000 on, they became steel producers. The country had traversed the crucial hurdle from arbitrage to export production. The oligarchs were no longer courtiers who made their money on intrigues in the corridors of power but owners of large factories with well-defined and lasting interests. Their specialization allowed new big businessmen to evolve in other industries, such as machine-building, banking, retail trade, real estate, and agriculture.³⁰⁷

The oligarchs have proven they can transition with each new economy. The question remains: will the oligarchs be able to evolve again? Greater decentralization, improving watchdog organizations, and implementing anti-corruption measures may challenge the relationship between politics and wealth, but history has shown oligarchs remain cunning and able to evolve with the system.

I. CONCLUSION

In summary, Ukraine has a long history of economic distortions that enrich few and harm many. The failure to reform an inherited centralized economy quickly allowed distortions and loopholes for corruption to flourish. Efforts at reform and eroding the oligarchs' power base have been met with stiff resistance. The implementation of recent reforms failed to alter the fundamentals as oligarchs have been able to shift with the system. As a result, average Ukrainians continue to live below or close to the poverty line, spending the majority of their wages on food and energy, and thus making them vulnerable to exploitation by their government. Candidates are elected on promises of fixing the economic hardships and ending corruption, but nearly every one of them has failed to deliver. Ukraine's economy remains weak and works counter to democracy. Oligarch dominance and the continued economic hardship serve as platforms for authoritarian exploitation in order to achieve and preserve political power.

³⁰⁷ Åslund, *How Ukraine Became a Market Economy and Democracy*, 6.

V. DEMOCRATIC AND AUTOCRATIC TENSION: THE CASE FOR COMPETITIVE AUTHORITARIANISM

A. INTRODUCTION

Failing to quickly break with the communist past resulted in over a quarter century for Ukrainian consolidation to a competitive authoritarian state. Many of the same reasons Ukraine failed to develop as a democracy support the nation's consolidation into hybrid rule. Following a review of Steven Levitsky and Lucan Way's criteria of competitive authoritarian governance, this chapter will demonstrate how and why Ukraine qualifies as a competitive authoritarian state. Separately, this chapter reveals the source of democracy's woes in the country, stemming from the critical years immediately following independence and the failure to break with the communist past.

Whether one views Ukraine as lost in transition, or firmly consolidated into hybrid governance, the nation qualifies as a competitive authoritarian state. This author argues that 25 years of this type of governance constitutes a firmly consolidated hybrid government, vice being stuck in a transitional phase. Competitive authoritarianism, as Levitsky and Way explain, is a form of governance in which "formal democratic institutions are widely viewed as the principal means of obtaining and exercising political authority. Incumbents violate those rules so often and to such an extent, however, that the regime fails to meet the conventional minimum standards for democracy."³⁰⁸ These violations of democratic standards create an "uneven playing field between government and opposition" that naturally shifts the advantage to the government.³⁰⁹ Skewed and weak institutions allow for abuses by executives that can give rise to greater autocratic governments. Though the government has an advantage, the institutions also limit full blown authoritarianism.

The authors discuss four "arenas" where opposition elements are able to challenge the government and limit full authoritarian consolidation: those arenas include electoral,

³⁰⁸ Levitsky and Way, "The Rise of Competitive Authoritarianism," 61.

³⁰⁹ Ibid.

legislative, judicial, and the media.³¹⁰ While this paper does not analyze the media component, there is plenty of evidence to support an analysis of the remaining three. Levitsky and Way explain that “authoritarian governments may coexist indefinitely with meaningful democratic institutions. As long as incumbents avoid egregious [violations].”³¹¹ Thus, competitive authoritarian states maintain democratic institutions that are weak and can give rise to strong executives. Opportunities exist for opposition victories and democratic achievement, but the rules of the game are deliberately skewed in favor of the party in power. Ultimately, as is the case for Ukraine, autocratic elements exist in inherent tension with the democratic ones that developed as a result of the continued communist influence following independence.

B. CHOICES, INSTITUTIONS, AND PERSISTENT COMMUNIST INFLUENCE

The continued communist influence allowed elites to shape an asymmetric playing field in favor of elite interests, including within the electoral, legislative, and judicial arenas. Three key choices allowed communist influence to pervade throughout the newly independent government. First, choosing to allow Communist Party officials to remain on board the new government, albeit under a different party title, allowed their influence to damage Ukraine’s reform to a market economy and democracy. Second, failing to craft a new constitution with clearly defined roles and rules for the new government allowed the Soviet constitution to remain the law of the land, and allowed a free-for-all of corrupt practices to continue. Third, electing the former Head of Communist Ideology, Leonid Kravchuk, as the country’s first president was a far cry from breaking with the Soviet past. As a result, the Soviet influence of highly centralized governance perpetuated and tainted Ukraine’s prospects of breaking through as a strong democracy. The communist presence helped reinforce institutions that were flawed and gave rise to an elite oligarch class of society.

³¹⁰ Levitsky and Way, “The Rise of Competitive Authoritarianism,” 62.

³¹¹ Ibid., 66.

The communist influence contributed to the development of flawed institutions that benefit elites, promote infighting and fragmentation, encourage a strong executive arm, encourage fraudulent electoral activity, and ultimately fail to serve the advancement of the Ukrainian state or benefit the Ukrainian people. Iterations of constitutional reform continually fail to definitively separate powers between president and prime minister. As a result, Ukraine maintains a revolving door of prime ministers that are too easily dismissed, and lacks incentives to cooperate.

In addition, Parliament is seen as a vehicle for elite enrichment and protection, vice a chamber for advancing public good. The intertwining of political parties, leaders, and oligarchs has entrenched the mixing of money and politics that has proven extremely stubborn to uproot. Parliamentary laws, or the lack thereof, allowed self-interest decision-making to become the norm. In addition, immunity laws provide a shield from prosecution that creates incentives for elites to cheat and commit egregious corruption. Parliamentary weaknesses resulted in multiple failed attempts at vital reform for the nation and legislative stagnation, and provided a pretext for stronger executive influence, as observed with the Kuchma and Yanukovych regimes. The manner in which politicians have and continue to use Parliament fails to adhere to democratic norms, and ultimately fails to deliver basic government services to the people.

Furthermore, carrying the judiciary system intact from communism extended the influence and reliance of the executive branch over the courts and law enforcement in Ukraine. Competitive authoritarian states often maintain a subordinated judiciary through coercion, bribery, and co-optation, but fail to completely control them.³¹² The lack of complete control provides opportunities for “maverick judges” to challenge the executive.³¹³ Rulers may seek to punish judges who rule or operate in opposition to the executive.³¹⁴ In Ukraine, the judiciary has a long history of this struggle. Judges have a history of inadequate pay, providing a mechanism for bribery. Numerous judges have accepted bribes for favorable rulings. As noted during the Yanukovych regime, judges

³¹² Levitsky and Way, “The Rise of Competitive Authoritarianism,” 64.

³¹³ Ibid.

³¹⁴ Ibid., 65.

were fired for rulings against regime favor. Judges are trained early on in the formal and informal rules of the judiciary, including the executive levers of influence. The judicial system has been used for political persecutions, as observed through the jailing of opposition candidate Yulia Tymoshenko during the Yanukovych administration. Also, the same system is used as a shield for those loyal to the party in power. Currently, the government has failed to try officials associated with the Euromaidan crackdown that killed over 100 Ukrainian citizens.

Consequently, the judiciary remains weak, and though current efforts to reform the system appear promising, they continue to lack adequate implementation mechanisms. The harassment of lawyers and judges by the current Poroshenko administration continues. Thus, executive influence has not evaporated from the Ukrainian judicial system. At the same time, the executive lacks complete control of the judicial system. These dynamics continue playing off of each other, living in constant tension, and indicative of hybrid rule. Ultimately, this vital institution of democratic governance, a strong and truly independent judiciary, has yet to come to fruition in Ukraine.

An additional consequence of weak institutions is the persistence of election fraud and an electoral system that continues to benefit elite interests. While avoiding a complete electoral authoritarian system that exists to only legitimize the party in power, Ukraine's electoral system creates an asymmetric playing field that makes opposition victories difficult, but not impossible. One may recall that other forms of hybrid rule, or autocratic regimes like Russia, maintain the institution and practice of elections, but they are so awfully fraudulent or designed only as a mechanism to reinforce the party in power that they are merely a façade for autocratic rule: what is known as electoral authoritarianism.³¹⁵ In competitive authoritarian states, the government abuses state resources, maintains biased media coverage, decreases transparency, and suppresses opposition all in the name of giving the party in power an advantage.³¹⁶ What sets a

³¹⁵ Schedler, *Electoral Authoritarianism*, 1–3.; Levitsky and Way, “The Rise of Competitive Authoritarianism,” 62.

³¹⁶ Levitsky and Way, “The Rise of Competitive Authoritarianism,” 63.

competitive authoritarian regime apart from an electoral authoritarian one is that the opposition maintains a chance of victory, though it may be difficult.³¹⁷ Ukraine's electoral system reflects this type of practice.

Ukraine's electoral process has improved since independence, but remains vulnerable to widespread manipulation and advantages in favor of elites. Changing certain processes such as candidate registration and voting methods have improved voter confidence, increased participation, and bettered the system. At the same time, the shift in persistent fraudulent activity undermines confidence and the freeness of the vote. Improving election monitors and civic groups reduced the most egregious forms of overt fraud found during the Kuchma era, such as ballot box stuffing, polling manipulation, and bribing voters with state pension funds. As a result, the risks to commit such overt fraud and face punishment or international condemnation became too great, and drove fraudulent activity to ulterior, covert tactics. As overt fraud has become too costly, the rise of covert methods, which are difficult to detect, such as proxy candidates and parties, continues to distract voters and steal votes from other candidates. Ultimately, its improvements aside, fraudulent activity continues to distort the playing field of Ukrainian elections to the advantage of those willing to cheat, and creates an unfree and unfair competitive electoral process found in hybrid rule.

Ukraine's electoral system remains distorted to the advantage of elites, though opposition victories are possible. The intermixing of money and politics, along with the unlimited contributions of political parties, has given rise to a colossal amount of spending during Ukrainian elections. The high stakes electoral game reinforces that oligarchs and elites get to choose who the top contenders are in each race. Though elections are competitive, and small-time opposition victories remain possible, the playing field is deliberately skewed in favor of those who receive oligarch financing and resources. This is hardly a free and fair system.

In the end, the perpetual communist influence following independence hampered the transition to democracy and solidified the weak institutions found in Ukraine today.

³¹⁷ Levitsky and Way, "The Rise of Competitive Authoritarianism," 63.

While the system continues to evolve, its roots remain in a failure to cleanly break with the Soviet past. Communist resistance to early reform created incentives for politicians to cheat and subvert the laws, vice use their positions for public good. Confrontation, fragmentation, and self-interest, which are anti-democratic aspects, fail to deliver for the people and have become a norm to Ukrainian government. Communist resistance to widespread reform perpetuated a centralized judiciary and law enforcement system that existed to serve the government, and not the people. Also, these flawed incentives carry over into the electoral arena as fraud persists, and opposition victories are asymmetrically challenging. Supporting hybrid governance, Ukraine's institutions fail to uphold democratic standards, but at the same time resist full authoritarian consolidation. Consequently, these flawed institutions and incentives give rise to a monumental corruption problem that pervades all levels of Ukrainian society.

C. ACCOUNTABILITY / CORRUPTION

Corruption is systemic to the Ukrainian way of life, and efforts to eliminate it prove extremely difficult. All levels of Ukrainian society fail to adhere to the law with the political elite using their positions to acquire wealth and power, and citizens skirting the law as a means to do business or survive. Also, the courts and police force remain too weak to challenge corruption, and are often complicit in its conduct. As a result, accountability remains a persistent problem in Ukraine and reflects a continuation of undemocratic behavior found in hybrid and authoritarian regimes.

Problems associated with the protection of power and wealth prevent democratic progress and promote greater authoritarianism. Colossal levels of corruption that are incredibly widespread undermine the current system of government. Nearly every president and numerous other politicians have used their positions within the government for self-enrichment and power grabbing. The most egregious representation of corruption is that of Viktor Yanukovich's US\$100 billion fleecing of the government. Aside from monetary wealth, others have used their position to protect their prospects of future power as Kuchma fired his premier, Viktor Yushchenko, after his successful reforms threatened Kuchma's power base. These two extreme examples represent a greater

problem that is far from democratic and does little to serve the public interest or advancement of the state. The lack of horizontal accountability mechanisms to act as checks and balances to this type of behavior is consistent with hybrid and authoritarian regimes.

Separately, the problem extends well beyond the political leadership as corruption and skirting the rule of law trickles down to civilians. Everyday citizens face paying numerous bribes to simply do business or avoid jail time. While related to economic hardship discussed in a following section of this chapter, the environment promotes perpetual corruption at all levels. Corruption in Ukraine is truly grandiose, and its pervasiveness makes eradicating it all the more challenging.

Though corruption remains pervasive, the politicization of the courts and law enforcement adds levers of control that undermines democratic governance. Inheriting a centralized law enforcement system from communism, failing to reform it, and quadrupling its size extended the reach of the government over its population. This heavy police presence, run by presidential political appointees, ensured that distortions in favor of the party in power continued. As a result, the police became a force to support the party in power, vice to protect citizens, and committed some of the most egregious acts of violence against their own population during the Euromaidan. The politicization of the courts and law enforcement extended the reach of the executive over the population, creating a tool for coercive control that directly contradicts democratic government and mirrors authoritarianism.

With the police and the courts in the government's corner, violence became an acceptable means to handle vocal opposition elements. Numerous instances over the last 25 years support this, including the aggressive crackdowns on protesters and killing of an independent journalist during Kuchma's presidency. Also, the use of live ammunition against protestors during the Yanukovych era, and the harassment and attacks on journalists and lawyers during the Poroshenko presidency illustrate the use of violence is not a one-off instance in Ukrainian history. Rather, violence remains a deeply entrenched norm that is proving stubborn to reverse. A government that continues to accept violence

as a legitimate means to control its population is far from democratic and qualifies for authoritarian rule.

D. CIVIL SOCIETY

For all of these accountability and institutional shortcomings, civil society remains too weak to influence the government on a consistent basis. The analysis of three criteria in the remainder of this section support this argument. First, Ukrainians failed to capitalize on an explosion of early civic organizations to establish a critical foothold between citizen and politician immediately following independence. Second, while civil society was slow to start, Ukrainians themselves have proven quite capable of mass mobilization in support of regime overthrow. Third, since the Euromaidan, Ukrainian civil society is finally making inroads and building links between citizens and politicians that are actually influencing policy development in the government; however, their success is still met with stiff resistance and skepticism. Ultimately, recent success is not yet indicative of a larger trend for a robustly developed civil society that is capable of day-to-day government influence.

An explosion of organizations prior to and immediately following independence failed to seek a routine relationship with the government. The few political organizations that *did* emerge focused on educating voters during election season, but stopped short of continuing engagement with the government after the votes were tallied. Also, trade unions carried over from the Soviet era exploited their position to advance business interests vice worker interests. Ukrainians missed an opportunity to leverage these types of organizations early to develop critical foundations on which to grow civil society. The failure to capitalize on this transition period permitted the degradation, or isolation, of civil society by elites.

Though civil society development got off to a slow start in the country, Ukrainians have proven on three different occasions that they are capable of mobilizing to the streets to remove inept leaders. Kravchuk was removed from power early over his poor economic policies that left many Ukrainians angry at the government's lacking ability to ensure basic goods and services. Kuchma's selected successor, Viktor

Yanukovych, was denied the presidency after a heavily fraudulent election brought hundreds of thousands of Ukrainians to Kyiv, demanding a repeat runoff vote. Most recently, the ousting of Yanukovych after backing away from an EU agreement seven years in the making, and the use of live ammunition to quell early protestors, provoked millions from all over the country to seek his removal. This ability of civil society to mobilize for regime overthrow at least places limits on authoritarian consolidation. However, having to consistently overturn the government via mass protests does little to support the institutions and practices of a democracy.

Other concerns regarding Ukrainian civil society include the relative passivity as authoritarian leaders rise, and the rise of negative organizations. By and large, civil society remains silent on issues of concern until they reach a critical tipping point. For instance, Yanukovych's cozying with the Russians in 2010 and signing of a controversial Black Sea treaty went largely unanswered, but indicated intentions to warm relations with Russia and keep Europe at some distance. In addition, the rise of negative movement organizations deliberately designed to cause trouble undermines honest civil society organizations in the country, and provides a pretext to justify a harsh government response. Organizations such as the *Titushki* augmented security forces during the Euromaidan and were incentivized to cause trouble. These developments threaten civil society's progress and trustworthiness in Ukraine because they illustrate an inconsistency to holding elites accountable (beyond complete overthrow). Also, the negative organizations threaten civil society's credibility as they directly contradict the idea of building bridges between the government and society, in addition to providing a condition for suppressive government responses.

Recently, civil society organizations are making inroads with day-to-day government influence that is directly addressing popular grievances. The creation of anti-corruption legislation and anti-pharmaceutical organizations are a couple examples. However, these organizations are not indicative of a larger trend and are often met with stiff resistance from old elites who still benefit from a distorted system.

Consequently, the problems of accountability and corruption, in conjunction with the institutional shortcomings, live in tension with civil society's demands. Civil society

remains capable of flexing its muscle when absolutely necessary, including regime overthrow. At the same time, it remains too weak to consistently challenge the government and advance public interest. Recent success stories look promising, but skepticism remains as elites continually resist and block reform efforts. Tension within these two areas of government promote and degrade democracy in Ukraine. Both remain too weak to push consolidation in one direction or the other, leaving Ukraine in a state of hybrid rule.

E. ECONOMY

Exacerbating civil society's weakness, a chronically deficient economy that benefits elites is leaving many citizens worried about surviving vice daily political engagement. Inheriting a centralized economy from communism and failing to quickly reform to a market economy entrenched predatory and corrupt practices, countering democratic development and creating vulnerabilities for populist and authoritarian victories. Maintaining a highly centralized economy after independence perpetuated Soviet-style business in newly independent Ukraine, and hindered the prospects of reform.

Due to the economic distortions, a predatory class of elites was allowed to pillage their way to wealth, siphoning off profits for themselves and inadequately paying workers. The close connection between business and politics gave rise to Ukraine's oligarch class. The efforts to accelerate reform in the 2000s under Yushchenko attacked the elite and oligarch power base, causing elites to oust the reformer. Deliberately rejecting those that seek to reform the system for the better indicates a semi-authoritarian structure that is built to safeguard elite interests over the public good.

Consequently, the inability to reform the economy quickly to the free market, and the increased predatory behavior of the new elite class perpetuated the need to circumvent economic laws, such as paying taxes, as a means to get by. Many Ukrainians, particularly more affluent ones, find ways to avoid paying taxes that then shifts the burden on to lower income citizens. Those that lack the connections to hide their money, or send it to offshore tax havens, are left to shoulder the burden of funding the

government. Thus, the economy lacks sufficient tax revenue to run and fund government programs that will provide goods and services to the people.

Also, leaving lower income and less connected Ukrainians to foot the government bill drives many underground to a large shadow economy. Estimates place the shadow economy at roughly half of Ukraine's total economy. Such a large underground economy also leaves less revenue for the government to fund critical welfare and infrastructure projects that provide for the public good. Thus, the entire Ukrainian economy is a vicious cycle of corruption and tax evasion that further perpetuates the shadow economy.

Overall, macroeconomic policies that are meant to improve the Ukrainian economy continually fail to reach the micro level. On average, Ukrainian wages consistently remain along the threshold of government stability, but barely. Ukrainian wages hover around the US\$2,200 mark. Periods of hyperinflation have eroded savings and increased the cost of goods and services, forcing the majority of citizen budgets to go to food and energy. Currently, energy costs are astronomically high, as EU mandated reforms and an effort to eliminate the reliance on Russian gas are raising energy prices. On average, Ukrainians spend three-quarters of their budget on heating their homes and keeping the lights on. Leaving little money to pay for civil society groups, donations, education, or savings, many are simply trying to make ends meet. As such, Ukrainians are more concerned about providing for their families vice continual engagement with the government.

As a result of these economic distortions and shortcomings, Ukrainians are further disenchanted with their government's ability to solve their problems. The strength of democracy in Ukraine, let alone any regime type, remains threatened by the economic hardship facing average citizens. Far from robust, Ukraine remains vulnerable to exploitation by populist and authoritarian overreach that claim to have simple solutions for these complex economic problems.

F. CONCLUSION

In conclusion, Ukraine's failure to break quickly from the past allowed a broken system of governance to become deeply entrenched, preventing prospects for democratic

consolidation. The system of government has a long history of distortions that support elites and the party in power. Institutional shortcomings perpetuate internal battles and power politics that serve elite interests and present opportunities for greater authoritarianism through expanded executive powers. Ukraine has a chronic problem of failing to uphold the law, and continues to bend it in elite favor when available, allowing corruption and abuses to flourish. Civil society shows some success and promise, but overall remains too weak to challenge day-to-day government consistently. The economy continually fails to serve the majority of Ukrainians, and consistently benefits an elite few. This situation prevents government funding for critical projects that benefit all citizens, including welfare programs. The economic distortions continue promoting the existence of a large shadow economy. As a result, Ukraine remains far from a consolidated democracy. While democratic on paper, the government continually fails to uphold the standards and values of a true democracy. At the same time, full-blown authoritarianism has managed to escape Ukraine.

Ultimately, Ukraine has consolidated into a competitive authoritarian state. The democratic elements are in constant tension with authoritarian ones. Political institutions such as the Rada and the presidency are the legitimate mechanisms for exercising political authority. However, in true Levitsky and Way fashion, Ukraine's institutions have continually failed to follow the law, pass meaningful legislation, and serve for the advancement of the country overall. Weak institutions permit the rise of more authoritarian leaders such as Kuchma and Yanukovich. At the same time, civil society remains in tension with expanding authoritarianism and serves as a mechanism to counter it. Separately, in the electoral arena, the playing field is deliberately skewed in the elites favor. Yet elections do not exist to solely legitimize the party in power, and opposition victories *are* still possible. Fitting numerous wickets and practices of hybrid rule, Ukraine has consolidated into a competitive authoritarian state that negates the prospects of true democracy until a hard break with the status quo occurs.

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